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June 1, 2006

**SALUS POPULI SUPREMA LEX ESTO**

*"The welfare of the people shall be the supreme law."*



**ROBIN CARNAHAN**  
**SECRETARY OF STATE**

**MISSOURI**  
**REGISTER**

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# MISSOURI REGISTER



June 1, 2006

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the Missouri Register. Orders of Rulemaking appearing in the Missouri Register will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1 Department	CSR	10- Agency, Division	1. General area regulated	010 Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—The most recent version of the statute containing the section number and the date.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**PURPOSE:** This emergency rule provides for standards to be used by election authorities when counting ballots cast using optical scan voting systems and replaces the emergency rule filed on February 2, 2006 with the standards contained in the final order of rulemaking filed with the Joint Committee on Administrative Rules (JCAR) on April 17, 2006.

**EMERGENCY STATEMENT:** The Help America Vote Act (HAVA) of 2002 requires each state to enact laws to improve election administration and to create standards in several key areas. HAVA requires states to promulgate uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the state. As part of the Elections Division program for compliance with HAVA and the equipment qualification process, the secretary of state (SOS) reviewed existing counting standards. This review revealed a potential for ambiguity in the counting standards rule for optical scan ballots, for example the use of the term "adjacent to." The local jurisdictions are in the final stages of upgrading to new HAVA compliant voting systems. Through this process, it has become apparent that the vast majority of voters in the state of Missouri will be using optical scan voting systems, many of them for the first time. The increased numbers of voters and jurisdictions using optical scan voting systems makes a uniform counting standard that maximizes the accuracy and efficiency of hand recounts crucial to the improvement of election administration. There is a compelling governmental interest for a uniform counting standard which is capable of expeditiously handling a large volume of ballots. This emergency rule contains revisions to the emergency rule filed with the February 2, 2006, that were made in response to comments on the corresponding proposed rule and that are included in the final order of rulemaking filed with the Joint Committee on Administrative Rules (JCAR) on April 17, 2006. It is necessary to terminate the previous emergency rule and replace it with this emergency rule so that during the final rulemaking process counting standards that are consistent with the final rule will be used by the local election authorities.

The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Office of the Secretary of State believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed April 20, 2006, effective April 30, 2006, expires August 16, 2006.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 9—Uniform Counting Standards**

**ORDER TERMINATING EMERGENCY RULE**

By the authority vested in the Secretary of State under section 115.225, RSMo Supp. 2005, the secretary hereby terminates an emergency rule effective April 30, 2006.

**15 CSR 30-9.020 Uniform Counting Standards—Optical Scan Voting Systems is terminated.**

A notice of emergency rulemaking containing the text of the emergency rule was published in the *Missouri Register* on March 15, 2006 (31 MoReg 441-445).

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 9—Uniform Counting Standards**

**EMERGENCY RULE**

**15 CSR 30-9.020 Uniform Counting Standards—Optical Scan Voting Systems**

(1) The election authority shall be responsible for insuring that the standards provided for in this rule are followed when counting ballots cast using optical scan voting systems.

(2) Prior to tabulating ballots all machines shall be programmed to reject blank ballots where no votes are recorded, or where an overvote is registered in any race.

(A) In jurisdictions using precinct-based tabulators, the voter who cast the ballot shall review the ballot if rejected, to determine if he/she wishes to make any changes to the ballot or if he/she would like to spoil their ballot and receive another ballot.

(B) In jurisdictions using centrally based tabulators, if a ballot is so rejected, it shall be reviewed by a bipartisan team using the following criteria:

1. If a ballot is determined to be damaged, the bipartisan team shall spoil the original ballot and duplicate the voter's intent on the new ballot, provided that there is an undisputed method of matching the duplicate card with its original after it has been placed with the remainder of the ballot cards from that precinct; and

2. The provisions of sections (3), (4), (5) and (6) of this rule.

(3) The following marks shall be considered expressions of voter intent:

(A) Any ballot which is properly marked in the target area, as specified by the ballot instructions.

For Governor (Vote for one)	
<input checked="" type="radio"/> HARRY S. TRUMAN	PARTY
<input type="radio"/> LAURA INGALLS WILDER	PARTY
<input type="radio"/> MARK TWAIN	PARTY
<input type="radio"/> GEORGE WASHINGTON CARVER	PARTY
<input type="radio"/> WRITE-IN	PARTY

This constitutes a vote for Harry S. Truman.

For Governor (Vote for one)	
<input checked="" type="radio"/> HARRY S. TRUMAN	PARTY
<input type="radio"/> LAURA INGALLS WILDER	PARTY
<input type="radio"/> MARK TWAIN	PARTY
<input type="radio"/> GEORGE WASHINGTON CARVER	PARTY
<input type="radio"/> WRITE-IN	PARTY

This constitutes a vote for Harry S. Truman.

For Governor (Vote for one)	
HARRY S. TRUMAN	PARTY ← —
LAURA INGALLS WILDER	PARTY ← —
MARK TWAIN	PARTY ← —
GEORGE WASHINGTON CARVER	PARTY ← —
WALT DISNEY	PARTY ← —
WRITE-IN	← —

This constitutes a vote for Laura Ingalls Wilder.

For Governor (Vote for one)	
HARRY S. TRUMAN	PARTY ← — X —
LAURA INGALLS WILDER	PARTY ← —
MARK TWAIN	PARTY ← —
GEORGE WASHINGTON CARVER	PARTY ← —
WALT DISNEY	PARTY ← —
WRITE-IN	← —

This constitutes a vote for Harry S. Truman.

For Governor (Vote for one)	
<input checked="" type="radio"/> HARRY S. TRUMAN	PARTY
<input type="radio"/> LAURA INGALLS WILDER	PARTY
<input type="radio"/> MARK TWAIN	PARTY
<input type="radio"/> GEORGE WASHINGTON CARVER	PARTY
<input type="radio"/> WRITE-IN	PARTY

This constitutes a vote for Harry S. Truman.

For Governor (Vote for one)	
<input type="radio"/> HARRY S. TRUMAN	PARTY
<input type="radio"/> LAURA INGALLS WILDER	PARTY
<input checked="" type="radio"/> MARK TWAIN	PARTY
<input type="radio"/> GEORGE WASHINGTON CARVER	PARTY
<input type="radio"/> WRITE-IN	PARTY

This constitutes a vote for Mark Twain.

For Governor (Vote for one)	
HARRY S. TRUMAN	PARTY ← —
LAURA INGALLS WILDER	PARTY ← —
MARK TWAIN	PARTY ← —
GEORGE WASHINGTON CARVER	PARTY ← —
WALT DISNEY	PARTY ← —
WRITE-IN	← —

This constitutes a vote for Walt Disney.

(E) The name of a candidate or issue preference is circled.

For Governor (Vote for one)	
<input type="radio"/> HARRY S. TRUMAN	PARTY
<input checked="" type="radio"/> LAURA INGALLS WILDER	PARTY
<input type="radio"/> MARK TWAIN	PARTY
<input type="radio"/> GEORGE WASHINGTON CARVER	PARTY
<input type="radio"/> WRITE-IN	PARTY

This constitutes a vote for Laura Ingalls Wilder.

(D) There is a distinguishing mark in the target area next to a candidate or issue preference including but not limited to the following examples:

For Governor (Vote for one)	
HARRY S. TRUMAN	PARTY ← —
LAURA INGALLS WILDER	PARTY ← —
MARK TWAIN	PARTY ← —
GEORGE WASHINGTON CARVER	PARTY ← —
WALT DISNEY	PARTY ← —
WRITE-IN	← —

This constitutes a vote for Harry S. Truman.

For Governor (Vote for one)	
HARRY S. TRUMAN	PARTY
<input checked="" type="radio"/> LAURA INGALLS WILDER	PARTY
MARK TWAIN	PARTY
GEORGE WASHINGTON CARVER	PARTY
WALT DISNEY	PARTY
WRITE-IN	

This constitutes a vote for Laura Ingalls Wilder.

(F) In the event that there are distinguishing marks for two (2) or more candidates, clarified by an additional mark or marks that appear to indicate support, the ballot shall be counted as a vote for the candidate with the additional, clarifying marks.

For Governor (Vote for one)	
<input checked="" type="radio"/> HARRY S. TRUMAN	PARTY
<input type="radio"/> LAURA INGALLS WILDER	PARTY
<input checked="" type="radio"/> MARK TWAIN	PARTY
<input type="radio"/> GEORGE WASHINGTON CARVER	PARTY
<input type="radio"/> WRITE-IN	PARTY

This constitutes a vote for Harry S. Truman.

For Governor (Vote for one)	
HARRY S. TRUMAN	PARTY
LAURA INGALLS WILDER	PARTY
MARK TWAIN	PARTY
GEORGE WASHINGTON CARVER	PARTY
WALT DISNEY	PARTY
WRITE-IN	

This constitutes a vote for Harry S. Truman.

(4) If a voter marks more candidates than there are positions to be elected for that office, without any additional clarifying marks, the marks do not constitute a valid vote for any candidate in that race and the ballot shall be deemed an overvote.

For Governor (Vote for one)	
<input type="radio"/> HARRY S. TRUMAN	PARTY
<input checked="" type="radio"/> LAURA INGALLS WILDER	PARTY
<input type="radio"/> MARK TWAIN	PARTY
<input checked="" type="radio"/> GEORGE WASHINGTON CARVER	PARTY
<input type="radio"/> WRITE-IN	PARTY

This constitutes an overvote.

For Governor (Vote for one)	
HARRY S. TRUMAN	PARTY
LAURA INGALLS WILDER	PARTY
MARK TWAIN	PARTY
GEORGE WASHINGTON CARVER	PARTY
WALT DISNEY	PARTY
WRITE-IN	

This constitutes an overvote.

For Fire District Board (Vote for two)	
<input checked="" type="radio"/> HARRY S. TRUMAN	PARTY
<input type="radio"/> LAURA INGALLS WILDER	PARTY
<input checked="" type="radio"/> MARK TWAIN	PARTY
<input checked="" type="radio"/> GEORGE WASHINGTON CARVER	PARTY
<input type="radio"/> WRITE-IN	PARTY

This constitutes an overvote.

For School Board (Vote for three)	
HARRY S. TRUMAN	PARTY
LAURA INGALLS WILDER	PARTY
MARK TWAIN	PARTY
GEORGE WASHINGTON CARVER	PARTY
WALT DISNEY	PARTY
WRITE-IN	

This constitutes an overvote.

(5) In jurisdictions using optical scan systems, a valid vote for a write-in candidate must include the following:

(A) A distinguishing mark in the target area next to the name of the candidate;

(B) The name of a qualified write-in candidate. If the name of the candidate, as written by the voter, is substantially as declared by the candidate it shall be counted, or in those circumstances where the names of candidates are similar, the names of candidates as shown on voter registration records shall be counted; and

(C) The name of the office for which the candidate is to be elected.

For Governor (Vote for one)	
<input type="radio"/> HARRY S. TRUMAN	PARTY
<input type="radio"/> LAURA INGALLS WILDER	PARTY
<input type="radio"/> MARK TWAIN	PARTY
<input type="radio"/> GEORGE WASHINGTON CARVER	PARTY
<input checked="" type="radio"/> <i>Bobby Jones</i>	PARTY
WRITE-IN	

Bobby Jones is a qualified candidate. This constitutes a vote for Bobby Jones.

For Governor (Vote for one)	
HARRY S. TRUMAN	PARTY
LAURA INGALLS WILDER	PARTY
MARK TWAIN	PARTY
GEORGE WASHINGTON CARVER	PARTY
WALT DISNEY	PARTY
<i>Bobby Jones</i>	
WRITE-IN	

Bobby Jones is a qualified candidate. This constitutes a vote for Bobby Jones.

(6) If a voter designates a vote for a named candidate on the ballot and also provides for a write-in candidate in the same race it shall be treated as follows:

(A) If a voter designates a vote for a named candidate on the ballot and writes in the same candidate in the write-in area, the vote shall count for that candidate.

For Governor (Vote for one)	
<input type="radio"/> HARRY S. TRUMAN	PARTY
<input type="radio"/> LAURA INGALLS WILDER	PARTY
<input type="radio"/> MARK TWAIN	PARTY
<input checked="" type="radio"/> GEORGE WASHINGTON CARVER	PARTY
<input type="radio"/> <u>George W. Carver</u>	PARTY
WRITE-IN	

This constitutes a vote for George Washington Carver.

For Governor (Vote for one)	
<input type="radio"/> HARRY S. TRUMAN	PARTY
<input type="radio"/> LAURA INGALLS WILDER	PARTY
<input type="radio"/> MARK TWAIN	PARTY
<input type="radio"/> GEORGE WASHINGTON CARVER	PARTY
<input type="radio"/> WALT DISNEY	PARTY
<input type="radio"/> <u>Laura Ingalls Wilder</u>	PARTY
WRITE-IN	

This constitutes a vote for Laura Ingalls Wilder.

(B) If a voter designates a vote for a named candidate on the ballot and writes in the name of a qualified write-in candidate or the name of a different named candidate on the ballot in that race and makes a distinguishing mark in the target area next to the name of the write-in candidate, it shall be considered an overvote with neither candidate receiving credit for the vote.

For Governor (Vote for one)	
<input type="radio"/> HARRY S. TRUMAN	PARTY
<input type="radio"/> LAURA INGALLS WILDER	PARTY
<input checked="" type="radio"/> MARK TWAIN	PARTY
<input type="radio"/> GEORGE WASHINGTON CARVER	PARTY
<input checked="" type="radio"/> <u>Harry S. Truman</u>	PARTY
WRITE-IN	

This constitutes an overvote.

For Governor (Vote for one)	
<input type="radio"/> HARRY S. TRUMAN	PARTY
<input type="radio"/> LAURA INGALLS WILDER	PARTY
<input type="radio"/> MARK TWAIN	PARTY
<input type="radio"/> GEORGE WASHINGTON CARVER	PARTY
<input type="radio"/> WALT DISNEY	PARTY
<input type="radio"/> <u>Walt Disney</u>	PARTY
WRITE-IN	

This constitutes an overvote.

(C) If a voter designates a vote for a named candidate on the ballot and writes in the name of a person who is not a qualified write-in candidate and not a named candidate on the ballot in that race, it shall be considered a vote for the named candidate.

For Governor (Vote for one)	
<input type="radio"/> HARRY S. TRUMAN	PARTY
<input checked="" type="radio"/> LAURA INGALLS WILDER	PARTY
<input type="radio"/> MARK TWAIN	PARTY
<input type="radio"/> GEORGE WASHINGTON CARVER	PARTY
<input checked="" type="radio"/> <u>Albert Einstein</u>	PARTY
WRITE-IN	

Albert Einstein is not a qualified candidate. This constitutes a vote for Laura Ingalls Wilder.

For Governor (Vote for one)	
<input type="radio"/> HARRY S. TRUMAN	PARTY
<input type="radio"/> LAURA INGALLS WILDER	PARTY
<input type="radio"/> MARK TWAIN	PARTY
<input type="radio"/> GEORGE WASHINGTON CARVER	PARTY
<input type="radio"/> WALT DISNEY	PARTY
<input type="radio"/> <u>Michael Douglas</u>	PARTY
WRITE-IN	

Michael Douglas is not a qualified candidate. This constitutes a vote for Harry S. Truman.

(7) Whenever a hand recount of votes of optical scan ballots is ordered, the provisions of this rule shall be used to determine voter intent.

*AUTHORITY: section 115.225, RSMo Supp. 2005. Original rule filed August 8, 2001, effective March 1, 2002. Emergency rescission filed Feb. 2, 2006, effective Feb. 18, 2006, expires Aug. 16, 2006. Emergency rule filed Feb. 2, 2006, effective Feb. 18, 2006, terminated April 30, 2006. Rescinded and readopted: Filed Feb. 2, 2006. Emergency rule filed April 20, 2006, effective April 30, 2006, expires Aug. 16, 2006.*

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 9—Uniform Counting Standards**

**ORDER TERMINATING EMERGENCY RULE**

By the authority vested in the Secretary of State under section 115.225, RSMo Supp. 2005, the secretary hereby terminates an emergency rule effective April 30, 2006.

**15 CSR 30-9.030 Uniform Counting Standards—Paper Ballots is terminated.**

A notice of emergency rulemaking containing the text of the emergency rule was published in the *Missouri Register* on March 15, 2006 (31 MoReg 445-447).

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 9—Uniform Counting Standards**

**EMERGENCY RULE**

**15 CSR 30-9.030 Uniform Counting Standards—Paper Ballots**

*PURPOSE: This emergency rule provides for standards to be used by election authorities when counting ballots cast using paper ballots and replaces the emergency rule filed on February 2, 2006 with the same standards contained in the final order of rulemaking filed with the Joint Committee on Administrative Rules (JCAR) on April 17, 2006.*

**EMERGENCY STATEMENT:** On April 20, 2006 the Office of the Secretary of State filed an emergency rule concerning uniform counting standards for optical scan voting systems. As part of the Elections Division program for compliance with the Help America Vote Act of 2002 (HAVA) and the equipment qualification process, the secretary of state (SOS) reviewed existing counting standards. This review revealed a potential for ambiguity in the counting standards rule for optical scan ballots, for example the use of the term "adjacent to." The increased numbers of voters and jurisdictions using optical scan voting systems makes a uniform counting standard that maximizes the accuracy and efficiency of hand recounts crucial to the improvement of election administration. It is necessary to have a uniform counting standard which is capable of expeditiously handling a large volume of ballots. As the current uniform counting standards for paper ballots mirror those relating to optical scan systems, there is a compelling governmental interest in the promulgation of this emergency rule in order to maintain the consistency of counting standards for each voting system and method. This emergency rule contains revisions to the emergency rule filed February 2, 2006 that were made in response to comments on the corresponding proposed rule and that are included in the final order of rulemaking filed with the Joint Committee on Administrative Rules (JCAR) on April 17, 2006. It is necessary to terminate the previous emergency rule and replace it with this emergency rule so that during the final rulemaking process counting standards that are consistent with the final rule will be used by the local election authorities.

The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Office of the Secretary of State believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed April 20, 2006, effective April 30, 2006, expires August 16, 2006.

(1) The election authority shall be responsible for insuring that the standards provided for in this rule are followed when counting ballots cast using paper ballots.

(2) The following marks shall be considered expressions of voter intent:

(A) Any ballot which is properly marked, as specified by the ballot instructions, in the target area.

For Governor	
(Vote for one)	
<input checked="" type="checkbox"/>	HARRY S. TRUMAN
<input type="checkbox"/>	LAURA INGALLS WILDER
<input type="checkbox"/>	MARK TWAIN
<input type="checkbox"/>	GEORGE WASHINGTON CARVER
<input type="checkbox"/>	WRITE-IN

This constitutes a vote for Harry S. Truman.

(B) The target area next to a candidate or issue preference is circled.

For Governor	
(Vote for one)	
<input type="checkbox"/>	HARRY S. TRUMAN
<input type="checkbox"/>	LAURA INGALLS WILDER
<input checked="" type="checkbox"/>	MARK TWAIN
<input type="checkbox"/>	GEORGE WASHINGTON CARVER
<input type="checkbox"/>	WRITE-IN

This constitutes a vote for Mark Twain.

(C) There is a distinguishing mark in the target area next to a candidate or issue preference including but not limited to the following examples:

For Governor	
(Vote for one)	
<input checked="" type="checkbox"/>	HARRY S. TRUMAN
<input type="checkbox"/>	LAURA INGALLS WILDER
<input type="checkbox"/>	MARK TWAIN
<input type="checkbox"/>	GEORGE WASHINGTON CARVER
<input type="checkbox"/>	WRITE-IN

This constitutes a vote for Harry S. Truman.

For Governor	
(Vote for one)	
<input checked="" type="checkbox"/>	HARRY S. TRUMAN
<input type="checkbox"/>	LAURA INGALLS WILDER
<input type="checkbox"/>	MARK TWAIN
<input type="checkbox"/>	GEORGE WASHINGTON CARVER
<input type="checkbox"/>	WRITE-IN

This constitutes a vote for Harry S. Truman.

(D) The name of a candidate or issue preference is circled.

For Governor	
(Vote for one)	
<input type="checkbox"/>	HARRY S. TRUMAN
<input checked="" type="checkbox"/>	LAURA INGALLS WILDER
<input type="checkbox"/>	MARK TWAIN
<input type="checkbox"/>	GEORGE WASHINGTON CARVER
<input type="checkbox"/>	WRITE-IN

This constitutes a vote for Laura Ingalls Wilder.

(E) In the event that there are distinguishing marks for two (2) or more candidates, clarified by an additional mark or marks that appear to indicate support, the ballot shall be counted as a vote for the candidate with the additional, clarifying marks.

For Governor	
(Vote for one)	
<input type="checkbox"/>	HARRY S. TRUMAN
<input checked="" type="checkbox"/>	LAURA INGALLS WILDER
<input checked="" type="checkbox"/>	MARK TWAIN
<input type="checkbox"/>	GEORGE WASHINGTON CARVER
<input type="checkbox"/>	WRITE-IN

This constitutes a vote for Laura Ingalls Wilder.

(3) If a voter marks more candidates than there are positions to be elected for that office, without any additional clarifying marks, the marks do not constitute a valid vote for any candidate in that race and the ballot shall be deemed an overvote.

For Governor (Vote for one)	
<input checked="" type="checkbox"/> HARRY S. TRUMAN	PARTY
<input type="checkbox"/> LAURA INGALLS WILDER	PARTY
<input type="checkbox"/> MARK TWAIN	PARTY
<input checked="" type="checkbox"/> GEORGE WASHINGTON CARVER	PARTY
<input type="checkbox"/> WRITE-IN	PARTY

This constitutes an overvote.

For Governor (Vote for one)	
<input type="checkbox"/> HARRY S. TRUMAN	PARTY
<input checked="" type="checkbox"/> LAURA INGALLS WILDER	PARTY
<input type="checkbox"/> MARK TWAIN	PARTY
<input type="checkbox"/> GEORGE WASHINGTON CARVER	PARTY
<input checked="" type="checkbox"/> <i>Laura Ingalls Wilder</i>	PARTY
<input type="checkbox"/> WRITE-IN	

This constitutes a vote for Laura Ingalls Wilder.

For School Board (Vote for three)	
<input checked="" type="checkbox"/> HARRY S. TRUMAN	PARTY
<input type="checkbox"/> LAURA INGALLS WILDER	PARTY
<input checked="" type="checkbox"/> MARK TWAIN	PARTY
<input checked="" type="checkbox"/> GEORGE WASHINGTON CARVER	PARTY
<input checked="" type="checkbox"/> WALT DISNEY	PARTY
<input type="checkbox"/> WRITE-IN	PARTY

This constitutes an overvote.

For Governor (Vote for one)	
<input type="checkbox"/> HARRY S. TRUMAN	PARTY
<input type="checkbox"/> LAURA INGALLS WILDER	PARTY
<input checked="" type="checkbox"/> MARK TWAIN	PARTY
<input type="checkbox"/> GEORGE WASHINGTON CARVER	PARTY
<input checked="" type="checkbox"/> <i>Harry S. Truman</i>	PARTY
<input type="checkbox"/> WRITE-IN	

This constitutes an overvote.

(4) In jurisdictions using paper ballots, a valid vote for a write-in candidate must include the following:

(A) A distinguishing mark in the target area next to the name of the candidate;

(B) The name of a qualified write-in candidate. If the name of the candidate, as written by the voter, is substantially as declared by the candidate it shall be counted, or in those circumstances where the names of candidates are similar, the names of candidates as shown on voter registration records shall be counted.

(C) The name of the office for which the candidate is to be elected.

For Governor (Vote for one)	
<input type="checkbox"/> HARRY S. TRUMAN	PARTY
<input type="checkbox"/> LAURA INGALLS WILDER	PARTY
<input type="checkbox"/> MARK TWAIN	PARTY
<input type="checkbox"/> GEORGE WASHINGTON CARVER	PARTY
<input checked="" type="checkbox"/> <i>Bobby Jones</i>	PARTY
<input type="checkbox"/> WRITE-IN	PARTY

Bobby Jones is a qualified candidate. This constitutes a vote for Bobby Jones.

(5) If a voter designates a vote for a named candidate on the ballot and also provides for a write-in candidate in the same race it shall be treated as follows:

(A) If a voter designates a vote for a named candidate on the ballot and writes in the same candidate in the write-in area, the vote shall count for that candidate.

(B) If a voter designates a vote for a named candidate on the ballot and writes in the name of a qualified write-in candidate or the name of a different named candidate on the ballot in that race and makes a distinguishing mark in the target area next to the name of the write-in candidate, it shall be considered an overvote with neither candidate receiving credit for the vote.

For Governor (Vote for one)	
<input type="checkbox"/> HARRY S. TRUMAN	PARTY
<input type="checkbox"/> LAURA INGALLS WILDER	PARTY
<input checked="" type="checkbox"/> MARK TWAIN	PARTY
<input type="checkbox"/> GEORGE WASHINGTON CARVER	PARTY
<input checked="" type="checkbox"/> <i>Gertrude Stein</i>	PARTY
<input type="checkbox"/> WRITE-IN	

This constitutes an overvote.

(C) If a voter designates a vote for a named candidate on the ballot and writes in the name of a person who is not a qualified write-in candidate and not a named candidate on the ballot in that race, it shall be considered a vote for the named candidate.

For Governor (Vote for one)	
<input type="checkbox"/> HARRY S. TRUMAN	PARTY
<input type="checkbox"/> LAURA INGALLS WILDER	PARTY
<input type="checkbox"/> MARK TWAIN	PARTY
<input checked="" type="checkbox"/> GEORGE WASHINGTON CARVER	PARTY
<input checked="" type="checkbox"/> <i>Gertrude Stein</i>	PARTY
<input type="checkbox"/> WRITE-IN	

Gertrude Stein is not a qualified candidate. This shall constitute a vote for George Washington Carver.

(6) Whenever a hand recount of votes of paper ballots is ordered, the provisions of this rule shall be used to determine voter intent.

*AUTHORITY: section 115.225, RSMo Supp. 2005. Original rule filed Aug. 8, 2001, effective March 1, 2002. Emergency rescission filed Feb. 2, 2006, effective Feb. 18, 2006, expires Aug. 16, 2006. Emergency rule filed Feb. 2, 2006, effective Feb. 18, 2006, terminated April 30, 2006. Rescinded and readopted: Filed Feb. 2, 2006. Emergency rule filed April 20, 2006, effective April 30, 2006, expires Aug. 16, 2006.*

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbol under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

### Division 30—Division of Administrative and Financial Services

#### Chapter 260—District Reorganization

##### PROPOSED AMENDMENT

**5 CSR 30-260.010 Adoption or Changing of School District Names.** The State Board of Education is proposing to amend the Purpose, sections (1) and (2), add section (4) and amend and renumber section (5).

**PURPOSE:** *This amendment gives greater flexibility with regards to adoption or changing of school district names.*

**PURPOSE:** *The State Board of Education has the authority to establish regulations governing the adoption or changing of the names of*

*any six-director* school districts. *This rule establishes those regulations.*

(1) *[The official name adopted by any six (6)-director school district in the state shall include the number and letter designation, for example, C-2 or R-IV, as used in the proceedings where the district was formed.]* The official name of any school district shall be adopted by the board of education of the district and may be changed by the board of education as specified by state law.

(2) The board of education *[of any six (6)-director district]* may omit county names from the official name chosen for the district.

(4) **The name chosen for the district or any change in district name may not substantially duplicate the name of any existing school district.**

*[(4)] (5)* The secretary of the board of education of each *[six (6)-director]* district, within ten (10) days after adoption of a district name, shall notify the State Board of Education and the county clerk of the name adopted.

**AUTHORITY:** sections 162.311 and 162.321, RSMo [1986] 2000. This rule was previously filed as 5 CSR 40-260.010. Original rule filed *[as 5 CSR 40-260.010]* April 15, 1968, effective April 25, 1968. Amended: Filed Nov. 5, 1979, effective Feb. 11, 1980. Amended: Filed April 27, 2006.

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Tom Quinn, Director, School Governance, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

### Division 80—Teacher Quality and Urban Education

#### Chapter 805—Educator Preparation

##### PROPOSED AMENDMENT

**5 CSR 80-805.030 Innovative and Alternative Professional Education Programs.** The State Board of Education is proposing to amend sections (1)–(6).

**PURPOSE:** *This amendment updates and clarifies language in the rule and provides greater flexibility for institutions offering innovative and alternative programs for the certification of professional educators.*

(1) For purposes of this rule, unless the context clearly indicates otherwise, the following terms shall mean:

(A) **Alternative program.** A program for the preparation of professional school personnel that provides a curriculum for *[non-conventional]* post-baccalaureate degree candidates *[enabling]*

without professional education preparation to enable them to meet the requirements for state certification;

**(B) Candidate for certification. An individual who has been admitted into a program for the preparation of teachers or other professional school personnel;**

*(B)(C) Conceptual framework.* The rationale and organizing principles that guide the development of the knowledge base, structure, operation, curriculum and accountability for a professional education program;

*(C)(D) Conventional program.* A program for the preparation of professional school personnel *[incorporating a four (4)-year plan]* that includes a curriculum of general education, content and professional studies, and clinical experiences designed for candidates who enter college upon graduation from high school **and culminates in a bachelor's or higher degree; and/or**

*(D)(E) Innovative program.* A program for the preparation of professional school personnel that *[incorporates innovative ways of]* **includes all of the elements and requirements of a conventional program, but utilizes non-conventional methods for delivering** *[an institution's]* the prescribed curriculum (ex. field-based instruction, distance learning via telecommunications or Internet, etc.); and/or]

*(E) Non-conventional candidate.* An individual enrolled in a program of instruction at a college or university who has not followed a path of continued enrollment from high school. A non-conventional candidate is typically more than twenty-five (25) years of age.]

(2) An institution of higher education having state-approved conventional professional education programs *[qualifying]* that prepare candidates for a Missouri certificate of license to teach may also offer innovative or alternative programs *[leading to a certificate of license to teach].*

*(A) An institution seeking to offer an alternative certification program must have a conventional Department of Elementary and Secondary Education (DESE) approved professional education program in the same area of certification existing at its home campus.]*

*(B)(A) An institution seeking to offer an innovative or alternative professional education program shall submit a proposal to the [Teacher Education] Educator Preparation Section at the Department of Elementary and Secondary Education (DESE) addressing the elements discussed in this section. Only those programs which DESE determines to have merit and potential for providing quality preparation for candidate certification will be considered for approval. The proposals should include at a minimum the following elements:*

1. A description of the proposed program based upon a statement of the purpose and objectives for an area of the public school curriculum and a statement of the nature of the proposed program that is consistent with those objectives, the mission of the institution, and the conceptual framework for the professional education unit. These statements shall be *[collaboratively prepared and shall be]* based on analyses of current practices and trends in the identified area of the public school curriculum;

2. A clearly formulated statement of the competencies for educators in the identified area of the public school curriculum. These competencies shall include subject knowledge and professional skills based upon current research and practice and shall include the competencies for educators identified in the standards for professional education programs adopted by the State Board of Education (*[the]* board);

3. A curriculum matrix delineating the courses and supervised field experiences prescribed to address competencies appropriate for a beginning teacher candidate to meet state certification requirements, a description of the process by which the candidates will be prepared, and provisions for assessing candidates and keeping records of their progress through the program;

4. Identification of the administrative structure of the proposed program indicating that responsibility for the program is vested in the professional education unit of the institution. Institutions shall designate the appropriate department, division, school, or college within the institution to act within the framework of general institutional policies on all matters relating to such programs;

5. Clearly identified human and physical resources to support the program. The continuing availability of the resources shall be assured for the duration of the program. Any resources not under the control of the institution shall be defined and confirmed by the controlling agency; and

6. A written plan for the continuing evaluation of the proposed program *[including]* that includes definitions and specifications of the kinds of evidence that will be gathered and reported to the institution and *[the state education agency]* DESE at designated intervals. Evaluation reports shall provide information to identify areas in the program that need to be strengthened and/or to suggest new directions for program development.

*(C)(B) Innovative and alternative programs shall abide by and be evaluated according to the Missouri standards for professional education programs included in rules promulgated by the board.*

*(3) [Any candidate] An individual who meets the criteria established by a Missouri college or university for its conventional professional education programs may [be accepted into] participate in an innovative [professional education] program. Upon admission into an innovative program, the individual becomes a candidate for certification.*

*(4) [Candidates meeting certain criteria] An individual may [be accepted into] become a candidate in an alternative certification program offered by a Missouri college or university/. These criteria include] upon meeting the following criteria:*

*(A) The candidate shall present evidence of employment by a school district in Missouri prior to acceptance into an alternative certification program;]*

*(B) The candidate shall undergo a background check conducted by the Missouri Highway Patrol and the Federal Bureau of Investigation (FBI), which includes submitting to DESE two (2) full sets of fingerprints on forms provided by the board and completed by any law enforcement agency. The candidate is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI;]*

*(C)(A) The [candidate] individual shall have earned a bachelor's or higher degree in the content area or a closely allied field of the desired certificate of license to teach from a regionally accredited institution and shall have a cumulative grade point average no lower than the Missouri requirement for teacher certification (2.5 on a 4.0 scale) and a grade point average no lower than 2.5 in the major (content) area;*

*(D) The candidate shall verify the completion of general education requirements to the satisfaction of the teacher education institution offering the alternative program;]*

*(E)(B) The [candidate] individual shall participate in a structured interview conducted by faculty of the teacher education institution [to assess the candidate's beliefs regarding the nature of teaching, the nature of students and the mission and goals of education as a profession. The interview should be utilized] for screening, diagnostic and advising purposes;*

*(C) The individual shall undergo a background check conducted by the Missouri State Highway Patrol (Highway Patrol) and/or the Federal Bureau of Investigation (FBI), which includes submitting to DESE two (2) full sets of fingerprints in a manner acceptable to the Highway Patrol and/or FBI and paying the required fees;*

*(D) Upon admission into an alternative program, the individual becomes a candidate for certification;*

*[(F)](E) The candidate shall [complete] have completed or be enrolled in coursework, which addresses adolescent development, psychology of learning, and teaching methodology in the content area, prior to receiving provisional certification and [entering] teaching in a public school [classroom];*

*[(G)](F) [Upon successful completion of the coursework outlined in the previous subsection, the] The candidate [will] shall enter into a four (4)-party academic contract with the [recommending] college or university offering the alternative program, [the] an employing Missouri school district, and DESE[,], [Candidates will] whereupon s/he shall receive a two (2)-year provisional certificate of license to teach and shall:*

1. Be assigned by the school district a mentor, who teaches the same subject and approximately the same grade level, to observe and work with the candidate while s/he is teaching during the school day until the candidate completes the alternative program;

2. Receive any additional assistance, as determined by the college or university, until the candidate completes the alternative program;

3. Participate in the employing school district's professional development programs; **and**

4. Participate in the employing school district's Performance-Based Teacher Evaluation (PBTE) program; *[and]*

*[5. Continue professional growth to include thirty (30) clock-hours of in-service training as defined in criteria established by the board; and]*

*[(H)](G) The candidate shall complete at least eight (8) additional semester hours of professional education coursework [no later than the summer] in the prescribed program of study during the year following the [awarding] receipt of the provisional certificate; and*

**(H) The candidate's teaching experience with the employing school district while participating in an approved alternative program shall satisfy the clinical experiences requirement for professional certification.**

**(5) Prior to the expiration of [the] his/her provisional certificate of license to teach, the candidate must successfully complete the exit assessment designated by the board for the Initial Professional Classification (IPC) certificate of license to teach. [The exit assessment and the provisions outlined in the previous subsection must be completed prior to being granted a Professional Classification I (PC I) certificate of license to teach.]**

**(6) Institutions [will be responsible for the recommendation of] shall be authorized to recommend for IPC certificates of license to teach candidates who complete approved innovative or alternative certification programs [for professional certification in the same manner as those completing conventional programs according to] in accordance with the rules promulgated by the board.**

**AUTHORITY:** sections 161.097 and 168.011, RSMo 2000 and 161.092, 168.021 and 168.081, RSMo Supp. 2005. Original rule filed Oct. 25, 2001, effective June 30, 2002. Amended: Filed April 27, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, ATTN: Dr.

Mike Lucas, Director, Educator Preparation, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 20—Clean Water Commission**  
**Chapter 1—Organization**

**PROPOSED RULE**

**10 CSR 20-1.020 Clean Water Commission Appeals and Requests for Hearings**

**PURPOSE:** This rule contains all procedural regulations for all contested cases heard by the commission or assigned to a hearing officer by the commission.

**(1) Subject.** This rule contains procedural regulations for all contested cases before the commission.

**(2) Definitions.** As used in this rule, the following terms mean:

(A) Commission. The Clean Water Commission;

(B) Department. The Department of Natural Resources, which includes the director thereof, or the person or division or program within the department delegated the authority to render the decision, order, determination, finding, or other action that is subject to review by the commission;

(C) Hearing. Any presentation to, or consideration by the hearing officer of evidence or argument on a petition seeking the commission's review of an action by the department;

(D) Hearing officer. Administrative Hearing Commission; and

(E) Person. An individual, partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government or any other legal entity whatever, which is recognized by law as the subject of rights and duties.

**(3) Filing an Appeal or Requesting a Hearing.**

(A) Any person adversely affected by a decision of the department or otherwise entitled to ask for a hearing may appeal to have the matter heard by filing a petition with the Administrative Hearing Commission within thirty (30) days after the date the decision was mailed or the date it was delivered, whichever date was earlier.

(B) A petition sent by registered mail or certified mail will be deemed filed on the date it is mailed. If it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the Administrative Hearing Commission.

**(4) Procedures.**

(A) The hearing shall be conducted in accordance with the provisions of Chapter 536, RSMo, and the regulations of the Administrative Hearing Commission promulgated thereunder.

(B) Upon receipt of the hearing officer's recommendation and the record in the case, the commission shall—

1. Distribute the hearing officer's recommendation to the parties or their counsel;

2. Allow the parties or their counsel an opportunity to submit written arguments regarding the recommendation;

3. Allow the parties or their counsel an opportunity to present oral arguments before the commission makes the final determination;

4. Complete its review of the record and deliberations as soon as practicable;

5. Deliberate and vote upon a final, written determination during an open meeting, except that the commission may confer with its counsel in closed session with respect to legal questions;

6. Issue its final, written determination as soon as practicable, including findings of fact and conclusions of law. The decision of the commission shall be based only on the facts and evidence in the record; and

7. The commission may adopt the recommended decision of the hearing officer as its final decision. The commission may change a finding of fact or conclusion of law made by the hearing officer, or may vacate or modify the recommended decision, only if the commission states in writing the specific reason for a change.

*AUTHORITY:* section 644.026, RSMo 2000. *Original rule filed May 1, 2006.*

*PUBLIC COST:* *This proposed rule will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST:* *This proposed rule will cost private entities less than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, Malinda Overhoff, Missouri Clean Water Commission Secretary, PO Box 176, Jefferson City, MO 65102, phone (573) 751-1300. To be considered, comments must be postmarked by 5:00 p.m. July 19, 2006. A public hearing is scheduled for 9:00 a.m., July 12, 2006, in the Department of Natural Resources, Elm Street Conference Center, Bennett Spring and Roaring River Conference Rooms, 1738 East Elm Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. The public hearing is scheduled during the regular Missouri Clean Water Commission meeting and will occur after previous meeting minutes are discussed, shortly after 9:00 a.m.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 40—Division of Fire Safety**  
**Chapter 2—Boiler and Pressure Vessel Safety Rules**

**PROPOSED AMENDMENT**

**11 CSR 40-2.010 Definitions.** The Boiler and Pressure Vessel Board is adding four (4) new definitions and renumbering the existing sections.

*PURPOSE:* *This amendment adds new definitions due to adding a new rule regarding installation permits.*

**(21) Installation site**—The physical location where one (1) or more boilers, water heaters, pressure vessels or a combination thereof are located. Examples of installation sites include but are not limited to a single boiler room in a building, a single process building, a single laboratory building or a central utility building.

**(22) Installer**—The organization responsible for the installation of a boiler, water heater or pressure vessel including any associated control systems and protective equipment.

*(/21) (23) International Mechanical Code*—International Code Council, Inc.

*(/22) (24) Jacketed steam kettle*—A gas fired or electrically heated kettle with jacket(s), operating at pressure not exceeding fifty (50) psi.

*(/23) (25) MAWP*—Maximum allowable working pressure.

*(/24) (26) National Board (NB)*—The National Board of Boiler and Pressure Vessel Inspectors.

*(/25) (27) National Board Commission*—The commission issued to an inspector by the National Board of Boiler and Pressure Vessel Inspectors.

*(/26) (28) National Board Inspection Code (NBIC)*—The edition and addenda of ANSI/NB-23 currently adopted by the board.

*(/27) (29) New installation*—Includes all boilers, water heaters or pressure vessels constructed, installed, placed in operation, or under contract, on or after November 12, 1986.

*(/28) (30) Nonstandard boiler, water heater or pressure vessel*—A boiler, water heater or pressure vessel that does not bear the ASME stamp.

*(/29) (31) Object*—A boiler, water heater, or pressure vessel.

*(/30) (32) Owner or user*—Any person, firm or corporation legally responsible for the safe installation, operation and maintenance of any boiler, water heater or pressure vessel within the state of Missouri.

*(33) Plans*—Drawings, specifications, schematics, etc., acceptable to the chief inspector and suitable for determining if the installation meets the requirements of the statute and these rules.

*(/31) (34) Power boiler*—A boiler in which steam or other vapor is generated at a pressure of more than fifteen (15) psi or a water (or other liquid) boiler intended for operation at pressures in excess of one hundred sixty (160) psi and/or temperatures in excess of two hundred fifty degrees Fahrenheit (250°F).

*(/32) (35) Pressure vessel*—A vessel in which the pressure is obtained from an external source or by the application of heat from an indirect source, other than those vessels defined as boilers.

*(/33) (36) Reinstalled boiler, water heater or pressure vessel*—A boiler, water heater or pressure vessel removed from its original setting and reinstalled at the same location or at a new location without change of ownership.

*(/34) (37) Repair*—The process of restoring a component or system to a safe and satisfactory condition such that the existing design conditions are met.

*(38) Replacement*—The removal of an existing boiler, water heater or pressure vessel and installation of a new second hand or re-installed boiler, water heater or pressure vessel.

*(/35) (39) Second-hand boiler, water heater or pressure vessel*—A boiler, water heater or pressure vessel which has changed both location and ownership.

*(/36) (40) Special inspector*—Any inspector commissioned by the chief inspector who is employed by an insurance company authorized to provide boiler and pressure vessel insurance in this state or an inspector who is employed by a company that maintains an inspection department whose organization and inspection procedures meet the requirements of the National Board for an Owner-User Inspection Agency and are acceptable to the chief inspector.

*(/37) (41) Standard boiler, water heater or pressure vessel*—A boiler, water heater or pressure vessel that bears the ASME stamp.

*/(38)] (42) State special*—A boiler, water heater, or pressure vessel of special construction, or which is designed or constructed to other than the ASME code and is not inconsistent with the spirit and safety objectives of the ASME code.

*/(39)] (43) Steam heating boiler*—A steam or vapor boiler operating at pressures not exceeding fifteen (15) psi.

*/(40)] (44) Waste heat boiler*—An unfired pressure vessel intended for operation in excess of fifteen (15) psi steam for the purpose of producing and controlling an output of thermal energy.

*/(41)] (45) Water heater*—A fired pressurized vessel in which water is heated by electricity, or by the combustion of solid, liquid, or gaseous fuels and withdrawn for use external to the heater at pressures not exceeding one hundred sixty (160) psi and temperatures not exceeding two hundred ten degrees Fahrenheit (210°F). Water heaters include service water heaters, domestic water heaters, potable water heaters, pool heaters and car wash hot water supply boilers. The term water heater does not include vessels used solely for closed loop hot water heating service.

*/(42)] (46) Variance*—An exception to the Act or these rules authorized by the board for the installation, inspection, repair, or alteration of a boiler, water heater, or pressure vessel.

*AUTHORITY:* section 650.215, RSMo 2000. Original rule filed May 12, 1986, effective Oct. 27, 1986. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Rescinded: Filed March 10, 2003, effective Aug. 30, 2003. Readopted: Filed Sept. 25, 2002, effective May 30, 2003. Amended: Filed Jan. 12, 2006. Amended: Filed March 23, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 2—Boiler and Pressure Vessel Safety Rules**

**PROPOSED RULE**

**11 CSR 40-2.025 Installation Permits**

*PURPOSE:* This rule addresses the application requirement, issuing of permits and installation inspections for the repair, replacement or new installation of objects that are subject to the Act and these rules.

(1) As used in this rule, the term “these rules” is intended to mean 11 CSR 40-2.010 through 11 CSR 40-2.065.

(2) Effective January 1, 2007 an installation permit shall be obtained by the installer from the Division of Fire Safety, Boiler and Pressure Vessel Unit before the start of work for each new, second hand or reinstalled boiler, water heater or pressure vessel. Replacement or relocation of an existing boiler, water heater or pressure vessel shall be

permitted as a new installation. The requirement to obtain an installation permit prior to the start of work is waived for an emergency replacement upon notification to the chief inspector.

(3) An application for an installation permit shall be submitted to the chief inspector on forms provided by the Division of Fire Safety, Boiler and Pressure Vessel Unit at least sixty (60) days prior to the start of the installation.

(A) In the case of an emergency replacement, the application shall be submitted to the chief inspector as soon as possible but not more than seven (7) calendar days after the work has started.

(B) Installation permits for multiple boilers, water heaters or pressure vessels may be requested on a single application provided they are all located at the same installation site. In such cases separate installation permits will be issued and fees will be charged for each permit.

(C) Upon review of the installation permit, the chief inspector may require a plan review prior to issuing an installation permit. A separate fee of thirty-five dollars (\$35) per hour not to exceed five hundred dollars (\$500) total will be charged for the plan review.

(D) Upon completion of the review process and payment of the required fees an installation permit will be issued. The installer shall maintain a legible copy of the installation permit at the installation site.

**(4) Fees.**

(A) Plan Review Hourly Fee	\$ 35
(B) Installation Permit Fees—	
1. Hot Water Heating Boiler—	
A. 400,000 BTUH and less	\$ 70
B. 400,000 BTUH to 12,500,000 BTUH	\$175
C. Above 12,500,000 BTUH	\$245
2. Hot Water Supply Boilers—	
A. 400,000 BTUH and less	\$ 70
B. 400,000 BTUH to 12,500,000 BTUH	\$175
C. Above 12,500,000 BTUH	\$245
3. Jacketed Steam Kettle—	\$ 70
4. Power Boilers—	
A. 400,000 BTUH and less	\$ 70
B. 400,000 BTUH to 12,500,000 BTUH	\$175
C. More than 12,500,000 BTUH	\$245
5. Pressure Vessel—	
A. < 1,000 cu.ft. (7,500 gallons) or less	\$ 70
B. 1000 cu. ft. and greater	\$175
6. Steam Heating Boilers—	
A. 400,000 BTUH or less	\$ 70
B. 400,000 BTUH to 12,500,000 BTUH	\$175
C. Above 12,500,000 BTUH	\$245
7. Waste Heat Boiler—	
A. 400,000 BTUH or less	\$ 70
B. 400,000 BTUH to 12,500,000 BTUH	\$175
C. Above 12,500,000 BTUH	\$245
8. Water Heater (>200,000 BTUH)	\$ 70

(5) Upon completion of an installation the chief inspector or a deputy inspector shall perform a certificate inspection. After correcting any deficiencies noted during the certificate inspection and payment of the required fees the chief inspector will issue an Inspection Certificate.

(6) Any boiler, water heater or pressure vessel installed on or after January 1, 2007 without obtaining the required permit shall obtain an installation permit and correct any deficiencies identified during the certificate inspection before an Inspection Certificate can be issued. If additional inspections are required to confirm the adequacy of the required corrective actions the applicable inspection fees will be charged.

*AUTHORITY:* section 650.215, RSMo 2000. *Original rule filed March 23, 2006.*

*PUBLIC COST:* *This proposed rule will cost state agencies or political subdivisions twenty-one thousand nine hundred thirty-seven dollars and forty cents (\$21,937.40) in the aggregate.*

*PRIVATE COST:* *This proposed rule will cost private entities twenty-three thousand two hundred forty dollars (\$23,240) annually in the aggregate.*

*NOTICE TO SUBMIT COMMENTS:* *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, Mo 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

**I. RULE NUMBER**

Rule Number and Name:	11 CSR 40-2.025
Type of Rulemaking:	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
228 annually	\$21,937.40

**III. WORKSHEET**

The following formula is used to estimate the cost to the division with 4 inspectors at an hourly rate of \$16.68 per hour. 164 installed objects that were either boilers less than 400,000 btu/hr, air tanks, jacketed steam kettles or hot water heaters. 164 X 16.68 X 2hrs = \$5471.04  
56 installed objects that were boilers 400,000 to 12,500,000 btu/hr. 56 X 16.68 X 5 hrs = \$4670.40  
8 installed objects that were boilers greater than 12,500,000 btu/hr. 8 X 16.68 X 7 hrs = \$934.08

Office staff. Administrative assistant cost 228 new objects X 10.53 per hour = \$2400.84  
Office staff. Public Safety Manager cost 228 new objects X 23.11 per hour = \$5269.08  
Total personal services cost to division = \$18745.40  
Expenses and equipment incurred by the division = \$3192.00  
Total division cost = \$21937.40

**IV. ASSUMPTIONS**

In calendar year 2005, it was estimated that 228 new objects were installed in the state of Missouri. It is anticipated that approximately the same number of objects will be installed in calendar year 2007 and annually there after when the rule will go into effect.

**FISCAL NOTE  
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	11 CSR 40-2.025
Type of Rulemaking:	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
228 annually	Education, day care, hotels, manufa	\$23,240

**II. WORKSHEET**

164 Objects installed that were either boilers less than 400,000 btu/hr, air tanks, hot water heaters, or jacketed steam kettles @ \$70.00 per object =	\$11,480
56 Objects installed that were boilers 400,000 to 12,500,000 btu/hr @ \$175.00 =	\$9,800
8 Objects installed that were boilers greater than 12,500,000 btu/hr @ \$245.00 =	\$1,960
 Total =	 \$23,240

**IV. ASSUMPTIONS**

In calendar year it was estimated that 228 new objects were installed in the state of Missouri. It is anticipated that about the same number of objects will be installed in calendar year 2007 and annually thereafter when the new rule takes effect.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 103—Sales/Use Tax—Imposition of Tax**

**PROPOSED RULE**

**12 CSR 10-103.400 Sales Tax on Vending Machine Sales**

*PURPOSE: Section 144.021, RSMo, imposes a tax on a seller's gross receipts. Section 144.012, RSMo, provides the method for determining gross receipts and the applicable local tax for sales of tangible personal property through vending machines. This rule also addresses the purchase of vending machines under section 144.518, RSMo. This rule does not address receipts from amusement devices.*

(1) In general, sales of tangible personal property, other than photocopies and tobacco products, through vending machines are subject to tax based on one hundred thirty-five percent (135%) of the net invoice price of the tangible personal property. The applicable tax rate is the rate in effect at the location of the vending machine. Sales of photocopies and tobacco products are subject to tax on their retail sales price. Purchases of machines or parts for machines used in a commercial vending machine business are subject to tax unless tax is paid on the gross receipts derived from the use of the machines.

(2) **Definition of Terms.**

(A) Net invoice price—the cost of the product, including freight, less any quantity or timely payment discounts allowed by the supplier, with no allowance for spoilage or loss.

(B) Vending machine—a coin or currency operated device that is used to sell tangible personal property without requiring the vendor's physical attention at the time of the sale. The term vending machine is not limited to mechanically operated devices and includes honor boxes.

(C) Vendor—the person who owns the property sold through a vending machine.

(3) **Basic Application of Tax.**

(A) The vendor must report and remit sales tax on one hundred thirty-five percent (135%) of the net invoice price of the tangible personal property purchased for sale through vending machines. The vendor must report and remit sales tax for the period in which the items are sold or in which the items are removed from inventory due to spoilage or loss.

(B) Sales of tangible personal property through vending machines located outside Missouri are not subject to tax.

(C) Sales of tangible personal property through vending machines located on the premises of religious organizations, charitable organizations and public elementary and secondary schools are not subject to tax.

(D) A vendor with multiple machines or locations may compute taxable sales for each machine or location either by specifically identifying the net invoice price of the items sold through each machine or by using an apportionment method. An apportionment method calculates taxable sales for each individual location by first determining the percentage of gross sales attributed to each location. This percentage is then applied to the net invoice price of the tangible personal property vended and allocates the same percentage to the location(s).

(E) A manufacturer that sells its manufactured product at retail through vending machines and wholesale to other vendors must self-assess tax on its vending machine sales at one hundred thirty-five percent (135%) of the average price at which the product is sold to other vendors. A manufacturer who sells its manufactured products to the public through vending machines and does not make any sales to other purchasers or vendors must self-assess tax on its vending machine sales at one hundred thirty-five percent (135%) of the total

cost of the manufactured products, including materials, labor and manufacturing overhead.

(F) No allowance, credit or refund of sales tax is allowed for spoilage or loss, such as from breakage or theft.

(G) The taxable receipts from a vending machine are subject to the sales tax at the rate in effect at the location of the machine.

(H) Sales of qualifying food through vending machines are subject to the reduced food tax rate. See 12 CSR 10-110.990.

(I) Purchases of machines or parts for machines used in a commercial coin-operated vending business are subject to tax unless tax is paid on the gross receipts derived from the use of the machines.

(4) **Examples.**

(A) A vendor purchases tangible personal property for a gross price of \$10,000 to sell in its vending machines. The vendor's supplier allows the vendor a 2% timely payment discount of \$200 as well as a 5% quantity discount of \$500. The net invoice price of the tangible personal property is \$9,300 (\$10,000 minus \$700 total discounts). The amount subject to sales tax is \$12,555 (\$9,300 net invoice price multiplied by 135%). The vendor sold all the products for \$20,000. The vendor has vending machines located at a retail store and at an exempt public elementary school. The sales at the school were \$5,000 (25% of gross sales) and the sales at the retail store were \$15,000 (75% of gross sales). The gross receipts for the exempt location are \$3,138.75 (\$12,555 multiplied by 25%) and for the taxable location are \$9,416.25 (\$12,555 multiplied by 75%).

(B) A vendor has vending machines located on the premises of tax-exempt organizations. The machines are located both in the city of Columbia and rural Boone County. The Columbia machines provided 60% of the vendor's gross sales and the rural Boone County machines provided 40% of gross sales. The vendor must report and remit tax on 60% of his gross receipts at the sales tax rate in effect for Columbia and on 40% at the sales tax rate in effect for Boone County.

(C) A commercial vending business purchases a vending machine and places the machine in an exempt church. The business must pay tax on the purchase price of the machine because it will not pay tax on the receipts from the machine. The machine is later moved to a gas station and tax is paid on 135% of the net invoice price of the goods sold from the machine. The subsequent purchases of repair parts for the machine are exempt.

(D) A commercial vending business purchases ten new vending machines. Six of the machines are placed in grocery stores and other commercial enterprises open to the general public. Four are placed in schools and churches. The purchase of the six machines is not subject to tax because the business will pay tax on the receipts from the machines. The purchase of the four machines is subject to tax because the business will not pay tax on the receipts from the machines.

(E) A commercial vending business purchases a vending machine and places the machine in a gas station. The purchase of the machine is not subject to tax because the business will pay tax on the receipts from the machine. The machine is later moved to a church. The subsequent purchases of repair parts for the machine are subject to tax.

(F) A newspaper sold through a vending machine is subject to tax at 135% of the average price charged to retail sellers.

*AUTHORITY: section 143.961, RSMo 2000. Original rule filed May 1, 2006.*

*PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Revenue approximately eight thousand six hundred seventy-three dollars and eighty-eight cents (\$8,673.88) with that cost recurring annually over the life of the rule.*

*PRIVATE COST: This proposed rule is estimated to cost private entities approximately ninety-eight thousand and ten dollars (\$98,010) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

**I. RULE NUMBER**

Rule Number and Name:	12 CSR 10-103.400 Sales Tax on Vending Machine Sales
Type of Rulemaking:	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Revenue	\$8,673.88

**III. WORKSHEET**

It costs the Department of Revenue \$2.25 to process a typical sales tax return. Based on estimated returns filed by vending machine vendors in a given year, the costs to process are  $3,267 \times \$2.25 = \$7,350.75$ . The Department of Revenue's costs to print and mail returns to vending machine vendors are \$.405 per return. The calculation for these costs are  $3,267 \times \$.405 = \$1,323.13$ .

**IV. Assumptions**

The costs assume no postal discounts for mailing are realized. It also assumes an annual salary for a Tax Processing Technician of \$23,006.

**FISCAL NOTE  
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	12 CSR 10-103.400 Sales Tax on Vending Machine Sales
Type of Rulemaking:	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
890	Vendors- \$30 in cost to prepare and file a sales tax return.	\$98,010

**III. WORKSHEET**

The Department of Revenue receives approximately 3,267 returns per year from approximately 890 vending machine vendors. The estimated cost to prepare and file a return per business is \$30 per filed return. The cost to all vending machine vendors to comply is  $3,267 \times \$30 = \$98,010$ .

**IV. ASSUMPTIONS**

The rule does not change existing practice. The department cannot determine the actual costs of preparing and filing a return. The department assumes for purposes of this fiscal note that it costs \$30 per return. This cost would be incurred as a result of section 144.020.1(2), RSMo, regardless of the contents of this rule. The department assumes every business makes at least one sale per reporting period.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 108—Sales/Use Tax—Taxable Services**

**PROPOSED RULE**

**12 CSR 10-108.300 Sales of Electricity, Water and Gas**

**PURPOSE:** Section 144.020.1(3), RSMo, imposes a tax on the basic rate paid for sales of electricity, water and gas to domestic, commercial or industrial consumers. Section 144.030.2(23), RSMo, exempts from tax, sales for domestic use of these services, as well as wood, coal and home heating oil. Section 144.032, RSMo, provides cities and counties the option to reimpose certain local sales taxes on sales for domestic use. This rule explains the taxation of electricity, water and gas. This rule does not address the exemptions for sales of electricity to manufacturers or material recovery processing plants, for use in basic steelmaking or battery manufacturing, or sales for resale to hotels or other lodging establishments.

(1) In general, sales of electricity, water and gas to commercial or industrial consumers are subject to tax. Sales of these services to domestic consumers are exempt from state sales tax but may be subject to certain local sales taxes if reimposed by a city or county. Sales of electricity, water and gas for agricultural use are excluded from tax.

**(2) Definition of Terms.**

(A) Basic rate—the rate charged for utility services, including any advance or equalized payment, surcharge, minimum or flat rate. It does not include such things as refundable deposits, or separately stated charges for any franchise, occupation, sales, license, excise, privilege or similar tax or fee of any kind imposed upon the supplier of the utility service by any taxing body or authority whether by statute, ordinance or otherwise. The basic rate does include income taxes and other charges imposed on the seller even if the seller chooses to separately state such charges. The basic rate also includes any “payment in lieu of tax (PILOT)” imposed on municipal-owned utilities, even if separately stated.

(B) Domestic use—nonagricultural, nonindustrial and noncommercial use. Sales made by regulated utilities pursuant to a “residential” rate classification are for domestic use. Sales through a single master meter for residential nursing homes, apartments or condominiums, including service for common areas and facilities and vacant units, but not including administrative and maintenance areas, are sales for domestic use.

(C) Utilities—electricity, water or gas services.

**(3) Basic Application of Tax.**

(A) Sales tax applies to all sales of electricity, water and gas to commercial or industrial consumers.

(B) Sales tax does not apply to sales of electricity, metered water service, and gas if sold for domestic use. Certain local sales taxes apply if reimposed by a city or county.

(C) Sales tax does not apply to agricultural use of utility services, including use by greenhouses.

(D) Sales of propane gas, wood, coal or home heating oil for domestic use are exempt from sales tax. Certain local sales taxes apply if reimposed by a city or county.

(E) Sales of sewer service for either commercial or domestic use are not subject to tax if billed separately.

(F) Sales of unmetered water service for domestic use are subject to tax except in the City of St. Louis, where metered and unmetered water service for domestic use are exempt from state sales tax.

(G) Persons making domestic purchases of service exempt from sales tax that use a portion of the service for nondomestic purposes must file a return and pay sales tax by April 15 of the year following

the year of purchase on that portion of service used for nondomestic purposes.

(H) Persons making commercial purchases of service subject to state tax that use a portion of the service for domestic purposes may file for a refund for that portion of the utility service. See 12 CSR 10-102.016.

**(4) Examples.**

(A) An apartment complex purchases electricity. To the extent the purchases are for residents of the complex or for common areas, the purchases are exempt. The complex may issue an exemption certificate to its utility supplier. The purchases are subject to local sales taxes if reimposed by the local taxing authorities. If some of the electricity is used for the complex office or other facilities related to the business of the complex owner, the complex must remit state tax on these purchases directly to the department.

(B) A farmer has a single meter that services both the farm and his home. If the local taxing authorities have reimposed local tax on domestic use, the farmer must file a return and pay local sales tax directly to the department on the portion of the service used for his home.

(C) A company purchases natural gas from an out-of-state supplier for commercial use. Transportation charges are included on its monthly bill and separately stated. Use tax applies to the cost of the gas purchased including the transportation charges.

(D) A propane gas company located in City A delivers gas by commercial truck and meters the gas on the truck. The company delivers gas to a customer located in City B. The company should charge the local sales tax (if applicable) based on its business location in City A. If the meter is located on the customer’s tank, the local tax rate is based on the location of the meter.

**AUTHORITY:** sections 144.010 and 144.030, RSMo Supp. 2005 and 143.961, 144.032, 144.036 and 144.046, RSMo 2000. Original rule filed May 1, 2006.

**PUBLIC COST:** This proposed rule is estimated to cost the state approximately eight thousand four hundred sixteen dollars and thirty-five cents (\$8,416.35) in the aggregate with that cost reoccurring annually over the life of this rule.

**PRIVATE COST:** This proposed rule is estimated to cost private entities approximately ninety-five thousand one hundred dollars (\$95,100) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE  
PUBLIC COST****I. RULE NUMBER**

Rule Number and Name:	12 CSR 10-108.300 Sales of Electricity, Water and Gas
Type of Rulemaking:	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Revenue	\$8,416.35

**III. WORKSHEET:**

It costs the Department of Revenue \$2.25 to process a typical sales tax return. Based on an estimated returns filed by utility companies in a given year, the costs to process are  $3,170 \times \$2.25 = \$7,132.50$ . The Department of Revenue's costs to print and mail returns to newspaper and other publication vendors are \$.405 per return. The calculation for these costs are  $3,170 \times \$.405 = \$1,283.85$ .

**IV. ASSUMPTIONS:**

The costs assume no postal discounts for mailing are realized. It also assumes an annual salary for a Tax Processing Technician of \$23,006.

**FISCAL NOTE  
PRIVATE COST**

**I. RULE NUMBER**

<b>Rule Number and Name:</b>	12 CSR 10-108.300 Sales of Electricity, Water and Gas
<b>Type of Rulemaking:</b>	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate the number of entities by class which would likely be affected by adoption of the proposed rule:</b>	<b>Classification by type of the business entities which would likely be affected:</b>	<b>Estimated cost of compliance with the rule by affected entities:</b>
Electricity 96	Vendors- \$30 in cost to prepare and file a sales tax return.	\$23,700
Water 541	Vendors- \$30 in cost to prepare and file a sales tax return.	\$64,440
Gas 42	Vendors- \$30 in cost to prepare and file a sales tax return.	\$6,960
Total 679	Vendors- \$30 in cost to prepare and file a sales tax return.	\$95,100

**III. WORKSHEET:**

The Department of Revenue receives approximately 790 returns per year from approximately 96 electric companies. The estimated cost to prepare and file a return per business is \$30 per filed return. The cost to all electric companies to comply is  $790 \times \$30 = \$23,700$ .

The Department of Revenue receives approximately 2,148 returns per year from approximately 541 water companies. The estimated cost to prepare and file a return per business is \$30 per filed return. The cost to all water companies to comply is  $2,148 \times \$30 = \$64,440$ .

The Department of Revenue receives approximately 232 returns per year from approximately 42 gas companies. The estimated cost to prepare and file a return

per business is \$30 per filed return. The cost to all gas companies to comply is  $232 \times \$30 = \$6,960$ .

The Department of Revenue receives approximately 3,170 returns per year from approximately 679 utility companies. The estimated cost to prepare and file a return per business is \$30 per filed return. The cost to all utility companies to comply is  $3,170 \times \$30 = \$95,100$ .

#### **IV. ASSUMPTIONS:**

The rule does not change existing practice. The department cannot determine the actual costs of preparing and filing a return. The department assumes for purposes of this fiscal note that it costs \$30 per return. This cost would be incurred as a result of section 144.020.1(2), RSMo, regardless of the contents of this rule. The department assumes every business makes at least one sale per reporting period.

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 40—Land Reclamation Commission**  
**Chapter 7—Bond and Insurance Requirements for**  
**Surface Coal Mining and Reclamation Operations**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under sections 444.530, RSMo 2000 and 444.767, RSMo Supp. 2005, the commission amends a rule as follows:

10 CSR 40-7.011 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 3, 2006 (31 MoReg 28-32). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Land Reclamation Commission received one (1) comment on the proposed amendment.

**COMMENT:** One commenter stated that the requirement to replace self-bond coverage in paragraph (6)(D)8. should be changed from the proposed sixty (60) days to ninety (90) days.

**RESPONSE AND EXPLANATION OF CHANGE:** Paragraph (6)(D)8. will be changed to state that self-bond replacement be achieved within ninety (90) days for consistency with other types of bond replacement time frames in this rule.

**10 CSR 40-7.011 Bond Requirements**

(6) Types of Bonds. The director may accept surety bonds, personal bonds and self-bonding.

**(D) Self-Bonding.**

1. Definitions. For the purposes of this section only—

A. Current assets means cash or other assets or resources which are reasonably expected to be converted to cash or sold or consumed within one (1) year or within the normal operating cycle of the business;

B. Current liabilities means obligations which are reasonably expected to be paid or liquidated within one (1) year or within the normal operating cycle of the business;

C. Fixed assets means plant and equipment, but does not include land or coal in place;

D. Liabilities means obligations to transfer assets or provide services to other entities in the future as a result of past transactions;

E. Net worth means total assets minus total liabilities and is equivalent to owners' equity;

F. Parent corporation means a corporation which owns or controls the applicant; and

G. Tangible net worth means net worth minus intangibles such as goodwill and rights to patents or royalties.

2. The director may accept a self-bond if the following conditions are met by the applicant or its parent corporation guarantor:

A. The applicant designates an agent for service of process in the state;

B. The applicant has been in continuous operation as a business entity the five (5) years immediately preceding the application. The director may accept the bond of a joint venture with fewer than five (5) years of continuous operation if each member has been in continuous operation for the five (5) years preceding the application;

C. The applicant submits financial information in sufficient detail to show one (1) of the following:

(I) The applicant has a current Moody's Investor Service or Standard and Poor's rating for its most recent bond issuance of A or higher;

(II) The applicant has a tangible net worth of at least ten (10) million dollars, a ratio of total liabilities to net worth of two and one-half (2 1/2) times or less and a ratio of current assets to current liabilities of 1.2 times or greater; or

(III) The applicant's fixed assets in the United States total at least twenty (20) million dollars and the applicant has a ratio of total liabilities to net worth of two and one-half (2 1/2) times or less and a ratio of current assets to current liabilities of 1.2 times or greater; and

D. The applicant submits—

(I) Financial statements for the last complete fiscal year, accompanied by a report prepared by an independent certified public accountant, in conformity with generally accepted accounting principles, containing the accountant's audit opinion or review opinion of the financial statements with no adverse opinion;

(II) Unaudited financial statements for completed quarters in the current fiscal year; and

(III) Additional unaudited information as requested by the director.

3. Parent and non-parent corporation third-party guarantors.

A. The director may accept a written guarantee for an applicant's self-bond from a parent corporation guarantor, if the guarantor meets the conditions of paragraph (6)(D)2.A. through D. as if it were the applicant. Such a written guarantee shall be referred to as a "corporate guarantee." The terms of the corporate guarantee shall provide for the following:

(I) If the applicant fails to complete the reclamation plan, the guarantor shall do so or the guarantor shall be liable under the indemnity agreement to provide funds to the director sufficient to complete the reclamation plan, but not to exceed the bond amount.

(II) The corporate guarantee shall remain in force unless the guarantor sends notice of cancellation by certified mail to the

applicant and to the director at least ninety (90) days in advance of the cancellation date, and the director accepts the cancellation.

(III) The cancellation may be accepted by the director if the applicant obtains suitable replacement bond before the cancellation date or if the lands for which the self-bond, or portion thereof, was accepted have not been disturbed.

B. The director may accept a written guarantee for an applicant's self-bond from a non-parent corporation guarantor if the guarantor meets the conditions of subparagraphs (6)(D)2.A. through D. as if it were the applicant. The applicant must still meet the requirements of subparagraphs (6)(D)2.A., B. and D. of this rule. The written guarantee shall provide for the following:

(I) If the applicant fails to complete the reclamation plan, the guarantor shall do so or the guarantor shall be liable under the indemnity agreement to provide to the director funds, up to the bond amount, sufficient to complete the reclamation plan;

(II) The non-parent corporation guarantee shall remain in force unless the guarantor sends notice of cancellation by certified mail to the applicant and to the director at least ninety (90) days in advance of the cancellation date and the director accepts the cancellation; and

(III) The cancellation may be accepted by the director only if the applicant obtains suitable replacement bond before the cancellation or if the covered lands have not been disturbed.

4. The total amount of the outstanding and proposed self-bonds for surface coal mining and reclamation operations shall not exceed twenty-five percent (25%) of the applicant's or third-party guarantor's tangible net worth in the United States, as determined by a certified public accountant.

5. For a self-bond, the guarantor shall execute an indemnity agreement according to the following:

A. The indemnity agreement shall be executed and signed by all persons and parties who are to be bound by it, including the parent and non-parent corporations, and shall bind each jointly and severally. If the applicant is a partnership, joint venture or a syndicate, the agreement shall bind the partner or party who has a beneficial interest, directly or indirectly, in the applicant;

B. Corporations applying for a self-bond, and parent and non-parent corporations guaranteeing a permittee's self-bond, shall submit an indemnity agreement signed by two (2) corporate officers who are authorized to bind the corporations. A copy of the authorization shall be provided to the director along with an affidavit certifying that the agreement is valid under all applicable federal and state laws. In addition, the guarantor shall provide a copy of the corporate authorization demonstrating that the corporation may guarantee the self-bond and execute the indemnity agreement; and

C. Pursuant to 10 CSR 40-7.031(3), the applicant, parent and non-parent corporation shall be required to complete the approved reclamation plan for the lands in default or to pay to the director an amount necessary to complete the approved reclamation plan, not to exceed the bond amount. If permitted under state law, the indemnity agreement when under forfeiture shall operate as a judgement against those parties liable under the indemnity agreement.

6. Self-bonded permittees and third-party guarantors shall submit an update of the information required under subparagraphs (6)(D)2. C. and D. within ninety (90) days after the close of their fiscal years.

7. If the financial conditions of the permittee or the third-party guarantor change so that the criteria of this section are not satisfied, the permittee shall notify the director immediately and post an alternate bond in the same amount as the self-bond.

8. Upon notification that the financial conditions of the permittee no longer satisfy this section, the permittee shall be deemed to be without bond coverage in violation of subsection (2)(A). The director shall issue a notice of violation against any operator who is without bond coverage. The notice shall specify a reasonable period to replace bond coverage, not to exceed ninety (90) days. During this period, the director or his/her authorized agent shall conduct week-

ly inspections to ensure continuing compliance with other permit requirements, the regulatory program and the law. The notice of violation, if abated within the period allowed, shall not be counted as a notice of violation for purposes of determining a pattern of willful violation under 10 CSR 40-7.031(1)(F)2. and need not be reported as a past violation in permit applications under 10 CSR 40-6.030(2) or 10 CSR 40-6.100(2). If a notice of violation is not abated in accordance with the schedule, a cessation order shall be issued requiring immediate compliance with 10 CSR 40-3.150(4). The operator shall also immediately begin to conduct reclamation operations in accordance with the reclamation plan. Mining operations shall not resume until the director has determined that an acceptable bond has been posted.

9. The bond shall be forfeitable upon revocation of the underlying permit.

## Title 10—DEPARTMENT OF NATURAL RESOURCES

### Division 40—Land Reclamation Commission

#### Chapter 7—Bond and Insurance Requirements for Surface Coal Mining and Reclamation Operations

#### ORDER OF RULEMAKING

By the authority vested in the Land Reclamation Commission under sections 444.530, RSMo 2000 and 444.767, RSMo Supp. 2005, the commission amends a rule as follows:

10 CSR 40-7.021 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 3, 2006 (31 MoReg 32-33). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Land Reclamation Commission received four (4) comments on the proposed amendment. All four (4) comments were made for section (2) of the proposed amendment.

**COMMENT:** One commenter stated that in (2)(B)6. the phrase "regulatory authority" should be changed to "director."

**RESPONSE AND EXPLANATION OF CHANGE:** The phrase "regulatory authority" will be changed to "director" in order to provide for consistency with other sections of this rule.

**COMMENT:** One commenter stated that in (2)(D)1. the word "shall" should be changed to "may."

**RESPONSE AND EXPLANATION OF CHANGE:** The change will be made in order to provide the director needed flexibility in determining the amount of bond to remain.

**COMMENT:** One commenter stated that in (2)(D)2. the word "shall" should be changed to "may."

**RESPONSE AND EXPLANATION OF CHANGE:** The change will be made in order to provide the director needed flexibility in determining the amount of bond to remain.

**COMMENT:** One commenter stated that in (2)(D)3. the word "shall" should be changed to "may."

**RESPONSE AND EXPLANATION OF CHANGE:** The change will be made in order to provide the director needed flexibility in determining the amount of bond to remain.

#### 10 CSR40-7.021 Duration and Release of Reclamation Liability

(2) Criteria and Schedule for Release of Reclamation Liability. Reclamation liability shall be released in three (3) phases.

(B) An area shall qualify for release of Phase II liability when—

1. A permanent vegetative cover that meets the approved reclamation plan and is sufficient to control erosion is in place and no further augmentation of the vegetation is necessary;

2. With respect to woodlands and wildlife areas, the stocking of trees and shrubs has been established in accordance with 10 CSR 40-3.120(7) or 10 CSR 40-3.270(7);

3. The lands are not contributing suspended solids to stream flow or runoff outside the permit area in excess of the requirements of section 444.855.2(10), RSMO, 10 CSR 40-3 and 10 CSR 40-4, the regulatory program or the permit;

4. A plan for achieving Phase III release has been approved for the area requested for release and the plan has been incorporated into the permit;

5. For the prime farmland soils, the soil productivity for prime farmlands shall have been returned to the equivalent levels of yield as non-mined land of the same soil type in the surrounding areas under equivalent management practices as determined from the soil survey performed pursuant to 10 CSR 40-4.030; and

6. Where a silt dam is to be retained as a permanent impoundment pursuant to 10 CSR 40-3.040(10), the Phase II portion of the bond may be released under this subsection as long as provisions for sound future maintenance by the operator or the landowner have been made with the director.

(D) Bond Release.

1. Phase I—After the operator completes the backfilling, grading, topsoiling, drainage control, and initial seeding of the disturbed area in accordance with the approved reclamation plan, the director may release sixty percent (60%) of the bond for the applicable area.

2. Phase II—After vegetation has been established on the regraded mined lands in accordance with the approved reclamation plan, the director may release an additional amount of bond. When determining the amount of bond to be released after successful vegetation has been established, the director shall retain that amount of bond for the vegetated area which would be sufficient to cover the cost of reestablishing vegetation if completed by a third party and for the period specified in 10 CSR 40-7.021(1)(B) for reestablishing vegetation.

3. Phase III—After the operator has completed successfully all surface coal mining and reclamation activities, the director may release the remaining portion of the bond, but not before the expiration period specified for the period of liability in 10 CSR 40-7.021(1)(B).

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 40—Land Reclamation Commission**  
**Chapter 7—Bond and Insurance Requirements for**  
**Surface Coal Mining and Reclamation Operations**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under sections 444.530, RSMO 2000 and 444.767, RSMO Supp. 2005, the commission amends a rule as follows:

**10 CSR 40-7.031 Permit Revocation, Bond Forfeiture and Authorization to Expend Reclamation Fund Monies is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 3, 2006 (31 MoReg 33-34). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**

**Division 40—Land Reclamation Commission**  
**Chapter 7—Bond and Insurance Requirements for**  
**Surface Coal Mining and Reclamation Operations**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under sections 444.530, RSMO 2000 and 444.767, RSMO Supp. 2005, the commission amends a rule as follows:

**10 CSR 40-7.041 Form and Administration of the Coal Mine Land Reclamation Fund is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 3, 2006 (31 MoReg 34-35). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH**  
**AND SENIOR SERVICES**

**Division 15—Division of Senior and Disability Services**  
**Chapter 8—Consumer-Directed Services**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under sections 208.900, 208.927 and 208.930, RSMO Supp. 2005, the department amends a rule as follows:

**19 CSR 15-8.100 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 17, 2006 (31 MoReg 100-101). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Health and Senior Services received four (4) letters of comments from centers for independent living, vendors for consumer-directed services.

COMMENT: The department received four (4) comments asking to include the loss of family income in the definition of undue hardship.  
RESPONSE: The department carefully reviewed the comments and notes that undue hardship is a part of the process used to determine a consumer's unmet needs. The department declines to change the definition of undue hardship.

COMMENT: The department received four (4) comments asking for clarification that the consumer is responsible for the oversight and monitoring of the attendant and that the vendor's role is to monitor the consumer's ability to supervise their attendant.

RESPONSE: The department carefully reviewed the comments and will not make changes in the language. The definition of vendor found in section 208.900, RSMO Supp. 2005 states that a vendor is "any organization having a written agreement with the department to provide services including monitoring and oversight of the personal care attendant, orientation and training of the consumer, and fiscal conduit services necessary for delivery of personal care assistance services to consumers."

**COMMENT:** The department received one (1) comment asking to remove the words "consumer's spouse" from the definition of adjusted gross income.

**RESPONSE:** The department carefully reviewed the comment and will not make changes in the language of the amendment as section 208.930, RSMo Supp. 2005 requires the consumer's spouse's income to be included when determining eligibility for financial assistance for consumer-directed personal care assistance services.

**COMMENT:** The department received one (1) comment asking for clarification that the definition of "live independently" in a non-institutional or unsupervised setting does not include an ISL (Individualized Supported Living) situation.

**RESPONSE:** The department carefully reviewed the comment and will not make changes in the language of the amendment. Individualized Supported Living (ISL) is a service offered by the Department of Mental Health (DMH) through a home and community based waiver. Services are provided to assist individuals living in their own homes and does not constitute a living arrangement. In many cases, the individual does not receive twenty-four (24) hour assistance.

**COMMENT:** The department received one (1) comment asking to clarify the definition of Non-Medicaid Eligible to allow consumers the right to deny Medicaid.

**RESPONSE:** The department carefully reviewed the comment and will not make changes to the language as section 208.930, RSMo Supp. 2005 requires that the Department of Social Services finds the applicant not to be eligible to participate under guidelines established by the Medicaid state plan.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES**  
**Division 15—Division of Senior and Disability Services**  
**Chapter 8—Consumer-Directed Services**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under sections 208.903, 208.906, 208.909, 208.921, 208.924 and 208.927, RSMo Supp. 2005, the department amends a rule as follows:

**19 CSR 15-8.200 Eligibility is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 17, 2006 (31 MoReg 101-103). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Department of Health and Senior Services received five (5) letters of comment from centers for independent living, vendors for consumer-directed services.

**COMMENT:** The department received three (3) comments asking for a time frame in which copies of the plan of care will be provided to the consumer and the vendor, such as "prior to the plan of care effective date."

**RESPONSE:** The department carefully reviewed the comments and will not make changes to the language as the use of such a specific time frame could hinder the department's ability to respond in an emergency or critical situation. The department is committed to supporting the health, welfare and safety of the populations it serves and wishes to retain the flexibility needed to meet those objectives.

**COMMENT:** The department received four (4) comments asking that the word "or" be removed in section (4) as the assessment and evaluation are two (2) different processes.

**RESPONSE:** The department agrees that completion of an assessment and an evaluation are both important parts of the eligibility process. However, it may not always be necessary to complete a new assessment when making a change to an existing plan of care. Therefore, the department will not make changes in the language.

**COMMENT:** The department received three (3) comments asking that the consumer be required to notify the department and the vendor of any changes affecting the plan of care and/or the consumer's residence by removing the word "or" between the department and vendor in subsection (6)(D).

**RESPONSE:** The department carefully reviewed the comments and will not make changes in the language as the primary responsibility for case actions lies with the department. Both the department and the vendor have the responsibility to work collaboratively in meeting consumer needs, including the prompt exchange of communication regarding a consumer's circumstances.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES**  
**Division 15—Division of Senior and Disability Services**  
**Chapter 8—Consumer-Directed Services**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 208.930, RSMo Supp. 2005, the department adopts a rule as follows:

**19 CSR 15-8.300 Eligibility for Non-Medicaid Eligible Program  
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 17, 2006 (31 MoReg 103-105). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Department of Health and Senior Services received one (1) letter of comment from a center for independent living, a vendor of consumer-directed services.

**COMMENT:** The department received one (1) comment asking to include the medical expenses of a spouse and minor children when determining allowable medical expenses for the Non-Medicaid Eligible (NME) program.

**RESPONSE:** The department carefully considered the comment and will make no change in the language of the rule. The department reviewed section 208.930, RSMo Supp. 2005 which states: "The department shall require applicants and the applicant's spouse, and consumers and the consumer's spouse, to provide documentation for income, assets, and disability-related medical expenses for the purpose of determining financial need and eligibility for the program." The department believes it is appropriate to allow the medical expenses of a spouse, but finds no basis for allowing the medical expenses of minor children.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES**  
**Division 15—Division of Senior and Disability Services**  
**Chapter 8—Consumer-Directed Services**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 208.927, RSMo Supp. 2005, the department rescinds a rule as follows:

**19 CSR 15-8.400 Providers is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 17, 2006 (31 MoReg 106). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES**

**Division 15—Division of Senior and Disability Services  
Chapter 8—Consumer-Directed Services**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under sections 208.900, 208.903, 208.906, 208.909, 208.912, 208.915, 208.918, 208.921, 208.927 and 208.930, RSMo Supp. 2005, the department adopts a rule as follows:

19 CSR 15-8.400 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 17, 2006 (31 MoReg 106–109). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Department of Health and Senior Services received six (6) letters of comments, five (5) from centers for independent living, vendors of consumer-directed services, and one (1) from a proposed vendor of consumer-directed services.

**COMMENT:** The department received five (5) comments asking for clarification of the requirement for vendors in the consumer-directed services program to demonstrate the independent living philosophy by requiring them to provide services that promote the consumer's ability to live independently. The evidence of an organization's philosophy can only be witnessed by how it operates the program.

**RESPONSE:** The department carefully reviewed the comments and will make no changes in the language of the rule. The department would point out that section 208.918, RSMo Supp. 2005 provides clear direction regarding the requirements that must be met by vendors of the program.

**COMMENT:** The department received one (1) comment asking that the timelines for submission of quarterly financial reports and the annual audit report be extended.

**RESPONSE AND EXPLANATION OF CHANGE:** After careful review of this issue, the department agrees that extending the time periods for submission of required financial reports is appropriate. Quarterly financial reports shall be submitted thirty (30) days after the end of the calendar quarter, and the annual audit shall be submitted within one hundred fifty (150) days of the close of the vendor's fiscal year. Subsections (7)(G) and (7)(J) are reprinted here for clarity.

**19 CSR 15-8.400 Vendors**

(7) Vendors shall comply, either directly or by contract, with the following fiscal requirements:

(G) Quarterly financial reports shall be submitted to DHSS thirty (30) days after the end of each calendar quarter;

(J) Submit an annual audit by a properly licensed independent practitioner (certified public accountant licensed in the state of Missouri) pursuant to applicable federal and state laws and regulations, including any audit parameters as established by DHSS.

1. The audit report must be submitted to DHSS within one hundred fifty (150) days after the end of the vendor's fiscal year.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES**

**Division 15—Division of Senior and Disability Services  
Chapter 8—Consumer-Directed Services**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under sections 208.921, 208.927 and 208.930, RSMo Supp. 2005, the department amends a rule as follows:

19 CSR 15-8.500 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 17, 2006 (31 MoReg 110). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Department of Health and Senior Services received three (3) letters of comment from centers for independent living, vendors of consumer-directed services.

**COMMENT:** The department received three (3) comments asking for clarification that the consumer "may" be held responsible for repayment of services received during an appeal if the department decision stands.

**RESPONSE AND EXPLANATION OF CHANGE:** After careful review of this comment and applicable federal regulations, the department had modified the language to clarify the intent of this requirement. Subsection (3)(A) is reprinted here for clarity.

**19 CSR 15-8.500 Hearing Rights**

(3) If the consumer appeals in writing within ten (10) days of the mailing of the notice regarding denial, suspension, reduction or termination of CDS, DHSS will not suspend, reduce or terminate services provided to a consumer under an existing plan of care pending a decision from a hearing, unless the consumer requests in writing that services be suspended, reduced or terminated.

(A) The consumer shall be responsible for repayment of any federal or state funds expended for services while the appeal is pending, when DHSS's decision is upheld and the state requests repayment of such funds.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES**

**Division 15—Division of Senior and Disability Services  
Chapter 8—Consumer-Directed Services**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under sections 208.927 and 208.930, RSMo Supp. 2005, the department rescinds a rule as follows:

**19 CSR 15-8.510 Informal Review is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 17, 2006 (31 MoReg 110). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES**

**Division 15—Division of Senior and Disability Services  
Chapter 8—Consumer-Directed Services**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under sections 208.927 and 208.930, RSMo Supp. 2005, the department rescinds a rule as follows:

**19 CSR 15-8.520 Hearings is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 17, 2006 (31 MoReg 110–111). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES**

**Division 30—Division of Regulation and Licensure  
Chapter 88—Resident's Rights and Handling Resident  
Funds and Property in Long-Term Care Facilities**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under sections 198.009 and 198.088, RSMo 2000, the department amends a rule as follows:

**19 CSR 30-88.010 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 17, 2006 (31 MoReg 111–114). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** One (1) comment was received by the Department of Health and Senior Services from Marlene Anderson, Director of Operations, Missouri Health Care Association, addressing the proposed amendment.

**COMMENT:** Ms. Anderson suggested that the phrase “except that residents who are enrolled in Medicare Part D may choose a pharmacy included in the resident's Part D plan” be deleted from the end of section (37), as it required the use of a particular pharmacy regardless of the quality of services or the ability of the pharmacy to deliver medications as required by the facility's medication distribution system. Ms. Anderson believed that facilities and resident/families should be permitted to work out the transition to a Medicare Part D plan that will be covered by a pharmacy available to the facility, as

contemplated by the open enrollment period available to those entering or leaving long-term care facilities.

**RESPONSE AND EXPLANATION OF CHANGE:** In response to comments received the department is deleting the second portion of the sentence by placing a period after the word “facility” and deleting the remainder of the sentence.

**19 CSR 30-88.010 Resident Rights**

(37) Each resident shall be allowed the option of purchasing or renting goods or services not included in the per diem or monthly rate from a supplier of his or her own choice, provided the quality of goods or services meets the reasonable standards of the facility. Each resident shall be allowed the option of purchasing his or her medications from a pharmacy of his or her choice, provided the quality of the medications and packaging meets reasonable standards of the facility.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES**

**Division 73—Missouri Board of Nursing Home  
Administrators  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo 2000, the board amends a rule as follows:

**19 CSR 73-2.015 Fees is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 17, 2006 (31 MoReg 114). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES**

**Division 73—Missouri Board of Nursing Home  
Administrators  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo 2000, the board amends a rule as follows:

**19 CSR 73-2.050 Renewal of Licenses is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 17, 2006 (31 MoReg 114–116). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received three (3) letters of comment; one from the Missouri Health Care Association (whose membership consists of for-profit nursing homes) and two (2) from

licensed nursing home administrators, Patrick McCann and Jack Whitaker.

**COMMENT:** All three (3) letters of comment expressed concern with the board's proposal to phase out carry-over hours for license renewal. Patrick McCann objected to the phase-out provisions, stating he likes to accumulate hours in excess of the required twenty (20). He likes to take courses based on the content and not the assigned clock hours and finds there are numerous programs he wants to attend to gain knowledge and learn from others. The carry-over provision preserves a tangible value to those hours. Jack Whitaker requested reconsideration be given to the proposed phase out of carry-over hours. The Missouri Health Care Association objected to the change of not allowing carry-over hours from one licensure renewal to the next. Nursing home administrators have a continuing need to be current and up-to-date on changes taking place in their profession. Being able to count those hours towards their license is an incentive to keep current.

**RESPONSE:** The board recognizes the concerns with phasing out carry-over hours because the carry-over provision was created in 1979 for the very reasons expressed in the letters of comment. However, we do not think the amendment phasing out carry-over hours will cause a hardship for our licensees due to the licensee's ability to now attain forty (40) clock hours of continuing education anytime during a two (2)-year period. Currently, a licensee has one (1) year to attain a minimum of twenty (20) clock hours. Any hours beyond the twenty (20) attended (up to a maximum of fifteen (15)), are carried-over for the next renewal period. The amendment will convert the annual renewal to biannual, which will be fully implemented by June 30, 2007. Carry-over hours will be granted in June 2006 and used to renew in 2007 or 2008. Licensees renewing after 2008 will have two (2) years to attain forty (40) clock hours of continuing education without the benefit of carry-over hours. If a licensee experiences a major medical event, or some other circumstances that would prohibit him/her from attending continuing education programs for a short period of time, there are ample programs available each year to meet their educational needs. There were more than one thousand (1,000) clock hours available during FY04 and more than eight hundred (800) hours available during FY05 covering a wide range of topics. Therefore, because a licensee has two (2) years to attain forty (40) clock hours, and because there are ample hours available during any twelve (12)-month period, the very reasons the carry-over provision was created no longer exist. No changes have been made to the rule as a result of these comments.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES**  
**Division 73—Missouri Board of Nursing Home  
Administrators**  
**Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo 2000, the board amends a rule as follows:

**19 CSR 73-2.055 Renewal of Expired License is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 17, 2006 (31 MoReg 116). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 140—Division of Energy**  
**Chapter 2—Energy Set-Aside Fund**

**IN ADDITION**

**Tornado Damage Application Cycle Notification**

In accordance with sections 640.651 to 640.686, RSMo, the Department of Natural Resources is herein publishing the terms for a special offering of assistance from the Energy Set-Aside Loan Fund. These loan funds may be used to implement cost-effective energy efficiency projects in public buildings or facilities or educational buildings or facilities that were damaged during tornado-bearing severe storms that occurred between March 1, 2006, and May 31, 2006, as further explained below.

Eligible applicants for this assistance are schools as defined in subsection 640.651(18), RSMo, city governments and county governments that meet the special conditions explained below.

Approximately three (3) million dollars is available for energy-efficiency projects under this special assistance. The maximum amount for which an individual applicant may apply is five hundred thousand dollars (\$500,000). The interest rate will be zero percent (0%). Eligible applicants may apply for this special loan financing through October 31, 2006.

The Energy Center will evaluate loan-financing applications for tornado-damaged buildings and facilities in accord with and for energy-efficiency improvements as set out in sections 640.651 to 640.686, RSMo. Projects will be funded beginning with shortest payback to longest payback until available funds are exhausted.

Special conditions for applicants:

- Tornado-bearing storm events under which applications for special loan financing may be made are those that occurred in Missouri between March 1, 2006, and May 31, 2006.
- The applicant must be located within a Missouri county declared a disaster area by the Federal Emergency Management Agency.
- In the case of loan financing requested for an existing building, the building in question must have sustained actual damage during severe storms that occurred in Missouri between March 1, 2006, and May 31, 2006.
- In the case of loan financing requested for a new building, the proposed project must be a direct replacement of a building or buildings that sustained actual damage during severe storms that occurred between March 1, 2006, and May 31, 2006.
- Buildings eligible for loan financing are as follows (examples of “other facilities” may include wastewater treatment plants, public drinking water treatment plants, or sports fields that have energy-using equipment such as lighting):  
Buildings or other facilities owned by schools, as defined in subsection 640.651(18), RSMo,

Buildings or other public facilities owned by a city government,  
Buildings or other public facilities owned by a county government.

Eligible applicants may request an application packet or receive additional information by contacting the Department of Natural Resources Energy Center at (573) 751-6630. Applications also are available via the Internet at <http://www.dnr.mo.gov/energy/financial/loan.htm>.

## STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo.

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Stan Buffington DBA Buffington Brothers Heating & Cooling		110 N. Riverview Poplar Bluff, MO 63901	10/26/05	10/26/2005-10/26/06

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

## **NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST AGRITALK BROADCASTING LLC**

On March 22, 2006, AgriTalk Broadcasting LLC, a Missouri limited liability company ("Company") agreed to dissolve and wind up the Company.

The Company requests that all persons and organizations who have claims against it present those claims immediately by letter to Elizabeth A. Kovaly at Gallop, Johnson and Neuman, L.C., 101 South Hanley, Suite 1700, St. Louis, Missouri 63105. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim is based occurred, whether the claim was secured, and, if so, the collateral used as security.

**NOTE: BECAUSE OF THE DISSOLUTION AND WINDING UP OF AGRITALK BROADCASTING LLC, ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE (3) YEARS AFTER THE PUBLICATION DATE OF THIS NOTICE.**

## **NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST DOANE SOFTWARE, L.L.C.**

On March 22, 2006, Doane Software, L.L.C., a Missouri limited liability company ("Company") agreed to dissolve and wind up the Company.

The Company requests that all persons and organizations who have claims against it present those claims immediately by letter to Elizabeth A. Kovaly at Gallop, Johnson and Neuman, L.C., 101 South Hanley, Suite 1700, St. Louis, Missouri 63105. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim is based occurred, whether the claim was secured, and, if so, the collateral used as security.

**NOTE: BECAUSE OF THE DISSOLUTION AND WINDING UP OF DOANE SOFTWARE, L.L.C., ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE (3) YEARS AFTER THE PUBLICATION DATE OF THIS NOTICE.**

**Notice of Dissolution  
of Limited Liability Company  
To All Creditors of and  
Claimants Against Troy Properties II, L.L.C.**

On April 19, 2006, Troy Properties II, L.L.C., a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Helfrey, Simon & Jones, P. C., ATTN: David F. Neiers, Esq., 120 S. Central Ave., Ste. 1500, St. Louis, Missouri 63105. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation for the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP**

DOGWOOD ESTATES, L.L.C.  
a Missouri limited liability company,

has been dissolved by written consent of the members. Any person or entity having a claim against the company is requested to notify Coulter & Green, L.L.C., P. O. Box 1157, Osage Beach, MO 65065, including the name and address of the claimant, the amount of the claim, and the basis for the claim. All claims will be barred unless thus filed within three (3) years of the date of this publication.

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>OFFICE OF ADMINISTRATION</b>					
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 20-4.010	Personnel Advisory Board and Division of Personnel		31 MoReg 285		
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		30 MoReg 2384		
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 30-2.014	Animal Health	31 MoReg 277 31 MoReg 541T			
2 CSR 30-10.010	Animal Health		31 MoReg 462		
2 CSR 80-5.010	State Milk Board		31 MoReg 586		
2 CSR 90-20.040	Weights and Measures		31 MoReg 98	31 MoReg 785	
2 CSR 90-22.140	Weights and Measures		31 MoReg 98	31 MoReg 785	
2 CSR 90-23.010	Weights and Measures		31 MoReg 99	31 MoReg 785	
2 CSR 90-25.010	Weights and Measures		31 MoReg 99	31 MoReg 785	
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-4.111	Conservation Commission		31 MoReg 768		
3 CSR 10-4.135	Conservation Commission		31 MoReg 589		
3 CSR 10-5.331	Conservation Commission		31 MoReg 374	31 MoReg 786	
3 CSR 10-7.410	Conservation Commission		31 MoReg 208	31 MoReg 609	
3 CSR 10-7.455	Conservation Commission				31 MoReg 244
3 CSR 10-9.110	Conservation Commission		31 MoReg 768		
3 CSR 10-9.565	Conservation Commission		31 MoReg 769		
3 CSR 10-10.707	Conservation Commission		31 MoReg 589		
3 CSR 10-10.708	Conservation Commission		31 MoReg 592		
3 CSR 10-10.710	Conservation Commission		31 MoReg 594R		
3 CSR 10-10.715	Conservation Commission		31 MoReg 596		
3 CSR 10-10.725	Conservation Commission		31 MoReg 603		
3 CSR 10-11.120	Conservation Commission		31 MoReg 603		
3 CSR 10-11.135	Conservation Commission		31 MoReg 603		
3 CSR 10-11.180	Conservation Commission		31 MoReg 604		
3 CSR 10-11.205	Conservation Commission		31 MoReg 605		
3 CSR 10-12.110	Conservation Commission		31 MoReg 605		
3 CSR 10-12.115	Conservation Commission		31 MoReg 605		
3 CSR 10-12.125	Conservation Commission		31 MoReg 606		
3 CSR 10-12.135	Conservation Commission		31 MoReg 607		
3 CSR 10-12.140	Conservation Commission		31 MoReg 607		
3 CSR 10-12.145	Conservation Commission		31 MoReg 607		
<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>					
4 CSR 10-1.010	Missouri State Board of Accountancy		31 MoReg 653		
4 CSR 10-1.020	Missouri State Board of Accountancy		31 MoReg 653		
4 CSR 10-1.050	Missouri State Board of Accountancy		31 MoReg 654		
4 CSR 10-2.005	Missouri State Board of Accountancy		31 MoReg 656		
4 CSR 10-2.022	Missouri State Board of Accountancy		31 MoReg 656R 31 MoReg 656		
4 CSR 10-2.041	Missouri State Board of Accountancy		31 MoReg 659		
4 CSR 10-2.051	Missouri State Board of Accountancy		31 MoReg 659		
4 CSR 10-2.065	Missouri State Board of Accountancy		31 MoReg 660		
4 CSR 10-2.070	Missouri State Board of Accountancy		31 MoReg 663		
4 CSR 10-2.072	Missouri State Board of Accountancy		31 MoReg 663		
4 CSR 10-2.075	Missouri State Board of Accountancy		31 MoReg 664		
4 CSR 10-2.130	Missouri State Board of Accountancy		31 MoReg 664R 31 MoReg 664		
4 CSR 10-2.140	Missouri State Board of Accountancy		31 MoReg 667		
4 CSR 10-2.150	Missouri State Board of Accountancy		31 MoReg 668R 31 MoReg 668		
4 CSR 10-2.160	Missouri State Board of Accountancy		31 MoReg 669		
4 CSR 30-1.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 7	31 MoReg 786	
4 CSR 30-2.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 8	31 MoReg 786	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 30-4.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 9	31 MoReg 786	
4 CSR 30-5.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 10	31 MoReg 786	
4 CSR 30-5.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 10	31 MoReg 787	
4 CSR 30-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 11		
4 CSR 30-6.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 13	31 MoReg 787	
4 CSR 30-7.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 13	31 MoReg 787	
4 CSR 30-11.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 13	31 MoReg 787	
4 CSR 30-13.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 14	31 MoReg 787	
4 CSR 30-13.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 15	31 MoReg 788	
4 CSR 30-14.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 16	31 MoReg 788	
4 CSR 30-17.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 16	31 MoReg 788	
4 CSR 30-18.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 16	31 MoReg 788	
4 CSR 30-19.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 16	31 MoReg 788	
4 CSR 30-20.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 17	31 MoReg 788	
4 CSR 100	Division of Credit Unions				31 MoReg 396 31 MoReg 737
4 CSR 115-1.040	State Committee of Dietitians		31 MoReg 286		
4 CSR 115-2.045	State Committee of Dietitians		31 MoReg 289		
4 CSR 120-2.060	State Board of Embalmers and Funeral Directors		31 MoReg 542		
4 CSR 150-3.010	State Board of Registration for the Healing Arts		31 MoReg 208	31 MoReg 789	
4 CSR 150-3.030	State Board of Registration for the Healing Arts		31 MoReg 209	31 MoReg 789	
4 CSR 150-3.050	State Board of Registration for the Healing Arts		31 MoReg 210	31 MoReg 789	
4 CSR 150-3.110	State Board of Registration for the Healing Arts		31 MoReg 210	31 MoReg 789	
4 CSR 150-3.150	State Board of Registration for the Healing Arts		31 MoReg 211	31 MoReg 789	31 MoReg 803
4 CSR 150-9.010	State Board of Registration for the Healing Arts		31 MoReg 292		
4 CSR 150-9.020	State Board of Registration for the Healing Arts		31 MoReg 292		
4 CSR 150-9.030	State Board of Registration for the Healing Arts		31 MoReg 292		
4 CSR 150-9.040	State Board of Registration for the Healing Arts		31 MoReg 296		
4 CSR 150-9.050	State Board of Registration for the Healing Arts		31 MoReg 296		
4 CSR 150-9.051	State Board of Registration for the Healing Arts		31 MoReg 297		
4 CSR 150-9.060	State Board of Registration for the Healing Arts		31 MoReg 298		
4 CSR 150-9.070	State Board of Registration for the Healing Arts		31 MoReg 301		
4 CSR 150-9.080	State Board of Registration for the Healing Arts		31 MoReg 303		
4 CSR 150-9.090	State Board of Registration for the Healing Arts		31 MoReg 303		
4 CSR 150-9.100	State Board of Registration for the Healing Arts		31 MoReg 303		
4 CSR 150-9.110	State Board of Registration for the Healing Arts		31 MoReg 304		
4 CSR 150-9.120	State Board of Registration for the Healing Arts		31 MoReg 304		
4 CSR 150-9.130	State Board of Registration for the Healing Arts		31 MoReg 305		
4 CSR 150-9.140	State Board of Registration for the Healing Arts		31 MoReg 305		
4 CSR 205-5.010	Missouri Board of Occupational Therapy		31 MoReg 17	31 MoReg 790	
4 CSR 210-2.030	State Board of Optometry		31 MoReg 212	31 MoReg 790	
4 CSR 210-2.070	State Board of Optometry		31 MoReg 212	31 MoReg 790	
4 CSR 232-3.010	Missouri State Committee of Interpreters		31 MoReg 19	31 MoReg 790	
4 CSR 240-2.071	Public Service Commission		30 MoReg 1332		
4 CSR 240-3.240	Public Service Commission		30 MoReg 2033R 30 MoReg 2034		
4 CSR 240-3.330	Public Service Commission		30 MoReg 2037R 30 MoReg 2037		
4 CSR 240-3.440	Public Service Commission		30 MoReg 2041R 30 MoReg 2041		
4 CSR 240-3.570	Public Service Commission		30 MoReg 2479	31 MoReg 790	
4 CSR 240-3.635	Public Service Commission		30 MoReg 2045R 30 MoReg 2045		
4 CSR 250-3.010	Missouri Real Estate Commission		31 MoReg 672		
4 CSR 250-3.020	Missouri Real Estate Commission		31 MoReg 675		
4 CSR 250-5.030	Missouri Real Estate Commission		31 MoReg 675		
4 CSR 250-5.040	Missouri Real Estate Commission		31 MoReg 678		
4 CSR 250-6.010	Missouri Real Estate Commission		31 MoReg 678R		
4 CSR 250-6.020	Missouri Real Estate Commission		31 MoReg 678R		
4 CSR 250-6.040	Missouri Real Estate Commission		31 MoReg 678R		
4 CSR 250-6.050	Missouri Real Estate Commission		31 MoReg 679R		
4 CSR 250-6.060	Missouri Real Estate Commission		31 MoReg 679		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 250-7.010	Missouri Real Estate Commission		31 MoReg 682R 31 MoReg 682		
4 CSR 250-7.020	Missouri Real Estate Commission		31 MoReg 686R 31 MoReg 686		
4 CSR 250-7.030	Missouri Real Estate Commission		31 MoReg 691R		
4 CSR 250-7.040	Missouri Real Estate Commission		31 MoReg 691R		
4 CSR 250-7.050	Missouri Real Estate Commission		31 MoReg 691R		
4 CSR 250-7.060	Missouri Real Estate Commission		31 MoReg 691		
4 CSR 250-7.070	Missouri Real Estate Commission		31 MoReg 692		
4 CSR 250-7.080	Missouri Real Estate Commission		31 MoReg 693		
4 CSR 250-7.090	Missouri Real Estate Commission		31 MoReg 696		
4 CSR 250-10.010	Missouri Real Estate Commission		31 MoReg 698R		
4 CSR 250-10.020	Missouri Real Estate Commission		31 MoReg 698R		
4 CSR 250-10.030	Missouri Real Estate Commission		31 MoReg 698R		
4 CSR 250-10.040	Missouri Real Estate Commission		31 MoReg 698R		
4 CSR 250-10.050	Missouri Real Estate Commission		31 MoReg 699R		
4 CSR 250-10.060	Missouri Real Estate Commission		31 MoReg 699R		
4 CSR 250-10.070	Missouri Real Estate Commission		31 MoReg 699R		
4 CSR 250-10.075	Missouri Real Estate Commission		31 MoReg 699R		
4 CSR 250-10.080	Missouri Real Estate Commission		31 MoReg 700R		
4 CSR 250-10.100	Missouri Real Estate Commission		31 MoReg 700		
4 CSR 263-2.082	State Committee for Social Workers		31 MoReg 309R 31 MoReg 309		
4 CSR 270-1.031	Missouri Veterinary Medical Board		31 MoReg 19	31 MoReg 796	
4 CSR 270-1.050	Missouri Veterinary Medical Board		31 MoReg 20	31 MoReg 797	
4 CSR 270-4.011	Missouri Veterinary Medical Board		31 MoReg 20	31 MoReg 797	
4 CSR 270-4.041	Missouri Veterinary Medical Board		31 MoReg 23	31 MoReg 797	

**DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

5 CSR 30-260.010	Division of Administrative and Financial Services	This Issue
5 CSR 80-805.030	Teacher Quality and Urban Education	This Issue

**DEPARTMENT OF TRANSPORTATION**

7 CSR 10-14.010	Missouri Highways and Transportation Commission	31 MoReg 314
7 CSR 10-14.020	Missouri Highways and Transportation Commission	31 MoReg 314
7 CSR 10-14.030	Missouri Highways and Transportation Commission	31 MoReg 314
7 CSR 10-14.040	Missouri Highways and Transportation Commission	31 MoReg 315
7 CSR 10-14.050	Missouri Highways and Transportation Commission	31 MoReg 316
7 CSR 10-14.060	Missouri Highways and Transportation Commission	31 MoReg 316
7 CSR 10-25.010	Missouri Highways and Transportation Commission	31 MoReg 803
7 CSR 10-26.010	Missouri Highways and Transportation Commission	31 MoReg 317
7 CSR 10-26.020	Missouri Highways and Transportation Commission	31 MoReg 317

**DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

8 CSR 10-4.190	Division of Employment Security	31 MoReg 5	31 MoReg 609
8 CSR 50-2.020	Division of Workers' Compensation	31 MoReg 83	31 MoReg 735
8 CSR 50-2.060	Division of Workers' Compensation	31 MoReg 770R 31 MoReg 771	
8 CSR 50-5.060	Division of Workers' Compensation	30 MoReg 2467	30 MoReg 2486 31 MoReg 546
8 CSR 60-2.025	Missouri Commission on Human Rights		30 MoReg 1921
8 CSR 60-2.065	Missouri Commission on Human Rights		30 MoReg 1921
8 CSR 60-2.100	Missouri Commission on Human Rights		30 MoReg 1922
8 CSR 60-2.130	Missouri Commission on Human Rights		30 MoReg 1923
8 CSR 60-2.150	Missouri Commission on Human Rights		30 MoReg 1923
8 CSR 60-2.210	Missouri Commission on Human Rights		30 MoReg 1923

**DEPARTMENT OF MENTAL HEALTH**

9 CSR 45-2.015	Division of Mental Retardation and Developmental Disabilities	31 MoReg 704
9 CSR 45-2.017	Division of Mental Retardation and Developmental Disabilities	31 MoReg 704
9 CSR 45-5.120	Division of Mental Retardation and Developmental Disabilities	31 MoReg 394RUC
9 CSR 50-2.010	Admission Criteria	31 MoReg 462
9 CSR 50-2.020	Admission Criteria	31 MoReg 465
9 CSR 50-2.510	Admission Criteria	31 MoReg 466

**DEPARTMENT OF NATURAL RESOURCES**

10 CSR 10-5.300	Air Conservation Commission	31 MoReg 714
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Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 10-5.510	Air Conservation Commission		30 MoReg 2049	31 MoReg 609	
10 CSR 10-6.061	Air Conservation Commission		31 MoReg 25		
10 CSR 20-1.020	Clean Water Commission		This Issue		
10 CSR 25-3.260	Hazardous Waste Management Commission		31 MoReg 719		
10 CSR 25-4.261	Hazardous Waste Management Commission		31 MoReg 720		
10 CSR 25-5.262	Hazardous Waste Management Commission		31 MoReg 720		
10 CSR 25-6.263	Hazardous Waste Management Commission		31 MoReg 721		
10 CSR 25-7.264	Hazardous Waste Management Commission		31 MoReg 721		
10 CSR 25-7.265	Hazardous Waste Management Commission		31 MoReg 722		
10 CSR 25-7.266	Hazardous Waste Management Commission		31 MoReg 722		
10 CSR 25-7.268	Hazardous Waste Management Commission		31 MoReg 723		
10 CSR 25-7.270	Hazardous Waste Management Commission		31 MoReg 723		
10 CSR 25-11.279	Hazardous Waste Management Commission		31 MoReg 724		
10 CSR 25-16.273	Hazardous Waste Management Commission		31 MoReg 725		
10 CSR 25-17.010	Hazardous Waste Management Commission		30 MoReg 2252	31 MoReg 609	
10 CSR 25-17.020	Hazardous Waste Management Commission		30 MoReg 2252	31 MoReg 610	
10 CSR 25-17.030	Hazardous Waste Management Commission		30 MoReg 2253	31 MoReg 610	
10 CSR 25-17.040	Hazardous Waste Management Commission		30 MoReg 2254	31 MoReg 610	
10 CSR 25-17.050	Hazardous Waste Management Commission		30 MoReg 2260	31 MoReg 610	
10 CSR 25-17.060	Hazardous Waste Management Commission		30 MoReg 2267	31 MoReg 610	
10 CSR 25-17.070	Hazardous Waste Management Commission		30 MoReg 2267	31 MoReg 611	
10 CSR 25-17.080	Hazardous Waste Management Commission		30 MoReg 2274	31 MoReg 611	
10 CSR 25-17.090	Hazardous Waste Management Commission		30 MoReg 2280	31 MoReg 611	
10 CSR 25-17.100	Hazardous Waste Management Commission		30 MoReg 2286	31 MoReg 611	
10 CSR 25-17.110	Hazardous Waste Management Commission		30 MoReg 2286	31 MoReg 611	
10 CSR 25-17.120	Hazardous Waste Management Commission		30 MoReg 2287	31 MoReg 612	
10 CSR 25-17.130	Hazardous Waste Management Commission		30 MoReg 2288	31 MoReg 612	
10 CSR 25-17.140	Hazardous Waste Management Commission		30 MoReg 2288	31 MoReg 612	
10 CSR 25-17.150	Hazardous Waste Management Commission		30 MoReg 2289	31 MoReg 612	
10 CSR 25-17.160	Hazardous Waste Management Commission		30 MoReg 2295	31 MoReg 612	
10 CSR 25-17.170	Hazardous Waste Management Commission		30 MoReg 2295	31 MoReg 613	
10 CSR 40-7.011	Land Reclamation Commission	31 MoReg 182	31 MoReg 28	This Issue	
10 CSR 40-7.021	Land Reclamation Commission	31 MoReg 186	31 MoReg 32	This Issue	
10 CSR 40-7.031	Land Reclamation Commission	31 MoReg 188	31 MoReg 33	This Issue	
10 CSR 40-7.041	Land Reclamation Commission	31 MoReg 189	31 MoReg 34	This Issue	
10 CSR 40-10.085	Land Reclamation Commission		30 MoReg 1124		
10 CSR 140-2.020	Division of Energy			30 MoReg 2096	
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11 CSR 10-7.010	Adjutant General	30 MoReg 2549	30 MoReg 2556	31 MoReg 546
11 CSR 40-2.010	Division of Fire Safety		31 MoReg 318	31 MoReg 797
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11 CSR 40-2.015	Division of Fire Safety		31 MoReg 319	31 MoReg 797
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11 CSR 40-2.030	Division of Fire Safety		31 MoReg 320	31 MoReg 797
11 CSR 40-2.040	Division of Fire Safety		31 MoReg 320	31 MoReg 798
11 CSR 45-3.010	Missouri Gaming Commission		31 MoReg 725	
11 CSR 45-4.260	Missouri Gaming Commission		31 MoReg 726	
11 CSR 45-5.237	Missouri Gaming Commission		30 MoReg 2488	31 MoReg 546
11 CSR 45-8.060	Missouri Gaming Commission		31 MoReg 726	
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11 CSR 45-30.090	Missouri Gaming Commission		31 MoReg 379	
11 CSR 45-30.140	Missouri Gaming Commission		31 MoReg 379	
11 CSR 45-30.175	Missouri Gaming Commission		31 MoReg 380	
11 CSR 45-30.390	Missouri Gaming Commission		31 MoReg 380	
11 CSR 45-30.480	Missouri Gaming Commission		31 MoReg 381	
11 CSR 45-30.600	Missouri Gaming Commission		31 MoReg 381	
11 CSR 45-30.610	Missouri Gaming Commission		31 MoReg 384	
11 CSR 70-2.280	Division of Alcohol and Tobacco Control		31 MoReg 321	

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12 CSR 10-1.020	Director of Revenue	30 MoReg 2488	31 MoReg 546	
12 CSR 10-2.195	Director of Revenue	30 MoReg 982R		
		30 MoReg 2489R	31 MoReg 547R	
12 CSR 10-3.470	Director of Revenue	30 MoReg 2489R	31 MoReg 547R	
12 CSR 10-3.566	Director of Revenue	30 MoReg 2489R	31 MoReg 547R	
12 CSR 10-3.568	Director of Revenue	30 MoReg 2490R	31 MoReg 547R	
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12 CSR 10-6.030	Director of Revenue	30 MoReg 2490	31 MoReg 547	
12 CSR 10-23.390	Director of Revenue	30 MoReg 2559R	31 MoReg 548R	
12 CSR 10-23.420	Director of Revenue	31 MoReg 216	31 MoReg 798	
12 CSR 10-23.440	Director of Revenue	30 MoReg 2493R	31 MoReg 548R	

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12 CSR 10-24.030	Director of Revenue		30 MoReg 2493	31 MoReg 548	
12 CSR 10-24.120	Director of Revenue		30 MoReg 2559R	31 MoReg 548R	
12 CSR 10-24.370	Director of Revenue		31 MoReg 217R	31 MoReg 798R	
12 CSR 10-24.400	Director of Revenue		31 MoReg 217R	31 MoReg 798R	
12 CSR 10-41.010	Director of Revenue	30 MoReg 2550 31 MoReg 5T 31 MoReg 5	30 MoReg 2494	31 MoReg 35	31 MoReg 613
12 CSR 10-101.700	Director of Revenue		30 MoReg 2559	31 MoReg 548	
12 CSR 10-103.400	Director of Revenue		This Issue		
12 CSR 10-103.620	Director of Revenue		30 MoReg 2559	31 MoReg 548	
12 CSR 10-108.300	Director of Revenue		This Issue		
12 CSR 10-200.010	Director of Revenue		31 MoReg 727		
12 CSR 30-1.010	State Tax Commission		31 MoReg 771		
12 CSR 30-1.020	State Tax Commission		31 MoReg 772		
12 CSR 30-3.060	State Tax Commission		31 MoReg 217		
12 CSR 30-3.065	State Tax Commission		31 MoReg 218		
12 CSR 30-3.090	State Tax Commission		31 MoReg 772		
12 CSR 30-4.010	State Tax Commission		31 MoReg 218		
12 CSR 40-80.080	State Lottery		30 MoReg 2563	31 MoReg 798	
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13 CSR 40-19.020	Family Support Division	30 MoReg 1993	30 MoReg 2055		
13 CSR 40-110.030	Family Support Division		31 MoReg 731		
13 CSR 70-1.010	Division of Medical Services		31 MoReg 772		
13 CSR 70-3.020	Division of Medical Services		30 MoReg 2498	31 MoReg 735	
13 CSR 70-4.080	Division of Medical Services		30 MoReg 2563	31 MoReg 613	
13 CSR 70-6.010	Division of Medical Services		31 MoReg 468		
13 CSR 70-15.010	Division of Medical Services		31 MoReg 384		
13 CSR 70-28.010	Division of Medical Services		30 MoReg 2306	31 MoReg 548W	
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15 CSR 30-9.020	Secretary of State	31 MoReg 441R 31 MoReg 441 This IssueT This Issue	31 MoReg 472R 31 MoReg 472		
15 CSR 30-9.030	Secretary of State	31 MoReg 445R 31 MoReg 445 This IssueT This Issue	31 MoReg 475R 31 MoReg 476		
15 CSR 30-50.040	Secretary of State		30 MoReg 2307 31 MoReg 608		
15 CSR 30-54.070	Secretary of State		31 MoReg 734		
15 CSR 30-54.260	Secretary of State		30 MoReg 2563	31 MoReg 549	
15 CSR 30-200.100	Secretary of State		31 MoReg 542		
15 CSR 60-14.040	Attorney General	30 MoReg 2382	30 MoReg 2406	31 MoReg 613	
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16 CSR 50-1.010	The County Employees' Retirement Fund		30 MoReg 2564	31 MoReg 614	
16 CSR 50-2.035	The County Employees' Retirement Fund		30 MoReg 2564 31 MoReg 543	31 MoReg 614	
16 CSR 50-2.040	The County Employees' Retirement Fund		30 MoReg 2566	31 MoReg 614	
16 CSR 50-2.120	The County Employees' Retirement Fund		30 MoReg 2566	31 MoReg 614	
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16 CSR 50-2.160	The County Employees' Retirement Fund		30 MoReg 2567 31 MoReg 544	31 MoReg 614	
16 CSR 50-3.010	The County Employees' Retirement Fund		31 MoReg 544		
16 CSR 50-10.030	The County Employees' Retirement Fund		30 MoReg 2568	31 MoReg 615	
16 CSR 50-10.050	The County Employees' Retirement Fund		30 MoReg 2568	31 MoReg 615	
16 CSR 50-20.120	The County Employees' Retirement Fund		30 MoReg 2568	31 MoReg 615	
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18 CSR 10-3.010	Office of State Public Defender		31 MoReg 385		
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19 CSR 15-8.100	Division of Senior and Disability Services	31 MoReg 84	31 MoReg 100	This Issue	
19 CSR 15-8.200	Division of Senior and Disability Services	31 MoReg 85	31 MoReg 101	This Issue	
19 CSR 15-8.300	Division of Senior and Disability Services	31 MoReg 87	31 MoReg 103	This Issue	
19 CSR 15-8.400	Division of Senior and Disability Services	31 MoReg 88R 31 MoReg 89	31 MoReg 106R 31 MoReg 106	This IssueR This Issue	
19 CSR 15-8.500	Division of Senior and Disability Services	31 MoReg 91	31 MoReg 110	This Issue	
19 CSR 15-8.510	Division of Senior Services	31 MoReg 92R	31 MoReg 110R	This IssueR	
19 CSR 15-8.520	Division of Senior Services	31 MoReg 92R	31 MoReg 110R	This IssueR	
19 CSR 20-20.010	Division of Community and Public Health		31 MoReg 478		
19 CSR 20-20.020	Division of Community and Public Health		31 MoReg 480		
19 CSR 20-20.080	Division of Community and Public Health	31 MoReg 277	31 MoReg 488		
19 CSR 30-20.021	Division of Senior Services and Regulation	30 MoReg 2000	30 MoReg 2070 31 MoReg 324	31 MoReg 2070	

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19 CSR 60-50	Missouri Health Facilities Review Committee				31 MoReg 616
19 CSR 73-2.015	Missouri Board of Nursing Home Administrators		31 MoReg 114	This Issue	
19 CSR 73-2.050	Missouri Board of Nursing Home Administrators		31 MoReg 114	This Issue	
19 CSR 73-2.055	Missouri Board of Nursing Home Administrators		31 MoReg 116	This Issue	
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20 CSR	Medical Malpractice				29 MoReg 505 30 MoReg 481 31 MoReg 616
20 CSR	Sovereign Immunity Limits				28 MoReg 2265 30 MoReg 108 30 MoReg 2587
20 CSR 10-1.020	General Administration		31 MoReg 544		
20 CSR 200-1.030	Financial Examination		31 MoReg 116	31 MoReg 736	
20 CSR 200-1.170	Financial Examination		31 MoReg 121	31 MoReg 736	
20 CSR 200-11.101	Financial Examination		31 MoReg 776		
20 CSR 400-1.020	Life, Annuities and Health		30 MoReg 1068		
20 CSR 400-2.170	Life, Annuities and Health	31 MoReg 191	31 MoReg 219	31 MoReg 798	
20 CSR 700-6.100	Licensing	31 MoReg 192	31 MoReg 221	31 MoReg 800	
<b>MISSOURI CONSOLIDATED HEALTH CARE PLAN</b>					
22 CSR 10-2.010	Health Care Plan	31 MoReg 193R 31 MoReg 194	31 MoReg 224R 31 MoReg 224	31 MoReg 801R 31 MoReg 801	
22 CSR 10-2.020	Health Care Plan	31 MoReg 198	31 MoReg 228	31 MoReg 801	
22 CSR 10-2.050	Health Care Plan	31 MoReg 199	31 MoReg 229	31 MoReg 801	
22 CSR 10-2.060	Health Care Plan	31 MoReg 200	31 MoReg 230	31 MoReg 801	
22 CSR 10-2.064	Health Care Plan	31 MoReg 202	31 MoReg 232	31 MoReg 801	
22 CSR 10-2.067	Health Care Plan	31 MoReg 202	31 MoReg 232	31 MoReg 802	
22 CSR 10-2.090	Health Care Plan	31 MoReg 204	31 MoReg 234	31 MoReg 802	

<b>Agency</b>		<b>Publication</b>	<b>Expiration</b>
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8 CSR 10-4.190	State Unemployment Tax Act Dumping . . . . .	31 MoReg 5 . . . . .	June 29, 2006
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8 CSR 50-2.020	Administration . . . . .	31 MoReg 83 . . . . .	June 19, 2006
<b>Department of Natural Resources</b>			
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10 CSR 40-7.011	Bond Requirements . . . . .	31 MoReg 182 . . . . .	June 29, 2006
10 CSR 40-7.021	Duration and Release of Reclamation Liability . . . . .	31 MoReg 186 . . . . .	June 29, 2006
10 CSR 40-7.031	Permit Revocation, Bond Forfeiture and Authorization to Expend Reclamation Fund Monies . . . . .	31 MoReg 188 . . . . .	June 29, 2006
10 CSR 40-7.041	Form and Administration of the Coal Mine Land Reclamation Fund . . . . .	31 MoReg 189 . . . . .	June 29, 2006
<b>Department of Revenue</b>			
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12 CSR 10-41.010	Annual Adjusted Rate of Interest . . . . .	31 MoReg 5 . . . . .	June 29, 2006
<b>Department of Social Services</b>			
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13 CSR 70-3.170	Medicaid Managed Care Organization Reimbursement Allowance . . . . .	Next Issue . . . . .	November 10, 2006
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA) . . . . .	Next Issue . . . . .	November 15, 2006
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15 CSR 30-9.020	Uniform Counting Standards—Optical Scan Voting Systems . . . . .	31 MoReg 441 . . . . .	August 16, 2006
15 CSR 30-9.020	Uniform Counting Standards—Optical Scan Voting Systems . . . . .	This Issue . . . . .	Terminated April 30, 2006
15 CSR 30-9.020	Uniform Counting Standards—Optical Scan Voting Systems . . . . .	This Issue . . . . .	August 16, 2006
15 CSR 30-9.030	Uniform Counting Standards—Paper Ballots . . . . .	31 MoReg 445 . . . . .	August 16, 2006
15 CSR 30-9.030	Uniform Counting Standards—Paper Ballots . . . . .	This Issue . . . . .	Terminated April 30, 2006
15 CSR 30-9.030	Uniform Counting Standards—Paper Ballots . . . . .	This Issue . . . . .	August 16, 2006
<b>Department of Health and Senior Services</b>			
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19 CSR 15-8.100	Definitions . . . . .	31 MoReg 84 . . . . .	June 23, 2006
19 CSR 15-8.200	Eligibility . . . . .	31 MoReg 85 . . . . .	June 23, 2006
19 CSR 15-8.300	Eligibility for Non-Medicaid Eligible Program . . . . .	31 MoReg 87 . . . . .	June 23, 2006
19 CSR 15-8.400	Providers . . . . .	31 MoReg 88 . . . . .	June 23, 2006
19 CSR 15-8.400	Vendors . . . . .	31 MoReg 89 . . . . .	June 23, 2006
19 CSR 15-8.500	Hearing Rights . . . . .	31 MoReg 91 . . . . .	June 23, 2006
19 CSR 15-8.510	Informal Review . . . . .	31 MoReg 92 . . . . .	June 23, 2006
19 CSR 15-8.520	Hearing . . . . .	31 MoReg 92 . . . . .	June 23, 2006
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19 CSR 20-20.080	Duties of Laboratories . . . . .	31 MoReg 277 . . . . .	July 3, 2006
<b>Department of Insurance</b>			
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20 CSR 400-2.170	Early Intervention Part C Coverage . . . . .	31 MoReg 191 . . . . .	June 29, 2006
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20 CSR 700-6.100	Applications, Fees and Renewals—Bail Bond Agents, General Bail Bond Agents and Surety Recovery Agents . . . . .	31 MoReg 192 . . . . .	July 12, 2006
<b>Missouri Consolidated Health Care Plan</b>			
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22 CSR 10-2.010	Definitions . . . . .	31 MoReg 193 . . . . .	June 29, 2006
22 CSR 10-2.010	Definitions . . . . .	31 MoReg 194 . . . . .	June 29, 2006
22 CSR 10-2.020	Subscriber Agreement and General Membership Provisions . . . . .	31 MoReg 198 . . . . .	June 29, 2006
22 CSR 10-2.050	PPO and Co-Pay Provisions and Covered Charges . . . . .	31 MoReg 199 . . . . .	June 29, 2006
22 CSR 10-2.060	PPO and Co-Pay Plan Limitation . . . . .	31 MoReg 200 . . . . .	June 29, 2006
22 CSR 10-2.064	HMO and POS Summary of Medical Benefits . . . . .	31 MoReg 202 . . . . .	June 29, 2006
22 CSR 10-2.067	HMO and POS Limitations . . . . .	31 MoReg 202 . . . . .	June 29, 2006
22 CSR 10-2.090	Pharmacy Benefit Summary . . . . .	31 MoReg 204 . . . . .	June 29, 2006

**Executive  
Orders**

**Subject Matter**

**Filed Date**

**Publication**

**2006**

<b>06-01</b>	Designates members of staff with supervisory authority over selected state agencies	January 10, 2006	31 MoReg 281
<b>06-02</b>	Extends the deadline for the State Retirement Consolidation Commission to issue its final report and terminate operations to March 1, 2006	January 11, 2006	31 MoReg 283
<b>06-03</b>	Creates and establishes the Missouri Healthcare Information Technology Task Force	January 17, 2006	31 MoReg 371
<b>06-04</b>	Governor Matt Blunt transfers functions, personnel, property, etc. of the Division of Finance, the State Banking Board, the Division of Credit Unions, and the Division of Professional Registration to the Department of Insurance. Renames the Department of Insurance as the Missouri Department of Insurance, Financial Institutions and Professional Registration. Effective August 28, 2006	February 1, 2006	31 MoReg 448
<b>06-05</b>	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Rx Plan Advisory Commission to the Missouri Department of Health and Senior Services. Effective August 28, 2006	February 1, 2006	31 MoReg 451
<b>06-06</b>	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Assistive Technology Advisory Council to the Missouri Department of Elementary and Secondary Education. Rescinds certain provisions of Executive Order 04-08. Effective August 28, 2006	February 1, 2006	31 MoReg 453
<b>06-07</b>	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Life Sciences Research Board to the Missouri Department of Economic Development	February 1, 2006	31 MoReg 455
<b>06-08</b>	Names the state office building, located at 1616 Missouri Boulevard, Jefferson City, Missouri, in honor of George Washington Carver	February 7, 2006	31 MoReg 457
<b>06-09</b>	Directs and orders that the Director of the Department of Public Safety is the Homeland Security Advisor to the Governor, reauthorizes the Homeland Security Advisory Council and assigns them additional duties	February 10, 2006	31 MoReg 460
<b>06-10</b>	Establishes the Government, Faith-based and Community Partnership	March 7, 2006	31 MoReg 577
<b>06-11</b>	Orders and directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property and to employ such equipment as may be necessary in support of civilian authorities	March 13, 2006	31 MoReg 580
<b>06-12</b>	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	March 13, 2006	31 MoReg 582
<b>06-13</b>	The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the public health and safety during the period of the emergency and the subsequent recovery period	March 13, 2006	31 MoReg 584
<b>06-14</b>	Declares a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	April 3, 2006	31 MoReg 643
<b>06-15</b>	Orders and directs the Adjutant General, or his designee, to call and order into active service portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and take such action and employ such equipment as may be necessary in support of civilian authorities, and provide assistance as authorized and directed by the Governor	April 3, 2006	31 MoReg 645
<b>06-16</b>	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 647
<b>06-17</b>	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 649
<b>06-18</b>	Authorizes the investigators from the Division of Fire Safety, the Park Rangers from the Department of Natural Resources, the Conservation Agents from the Department of Conservation, and other POST certified state agency investigators to exercise full state wide police authority as vested in Missouri peace officers pursuant to Chapter 590, RSMo during the period of this state declaration of emergency	April 3, 2006	31 MoReg 651
<b>06-19</b>	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	April 3, 2006	31 MoReg 652
<b>06-20</b>	Creates interim requirements for overdimension and overweight permits for commercial motor carriers engaged in storm recovery efforts	April 5, 2006	31 MoReg 765

Executive Orders	Subject Matter	Filed Date	Publication
<b><u>2005</u></b>			
<b>05-01</b>	Rescinds Executive Order 01-09	January 11, 2005	30 MoReg 261
<b>05-02</b>	Restricts new lease and purchase of vehicles, cellular phones, and office space by executive agencies	January 11, 2005	30 MoReg 262
<b>05-03</b>	Closes state's Washington D.C. office	January 11, 2005	30 MoReg 264
<b>05-04</b>	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	January 11, 2005	30 MoReg 266
<b>05-05</b>	Establishes the 2005 Missouri State Government Review Commission	January 24, 2005	30 MoReg 359
<b>05-06</b>	Bans the use of video games by inmates in all state correctional facilities	January 24, 2005	30 MoReg 362
<b>05-07</b>	Consolidates the Office of Information Technology to the Office of Administration's Division of Information Services	January 26, 2005	30 MoReg 363
<b>05-08</b>	Consolidates the Division of Design and Construction to Division of Facilities Management, Design and Construction	February 2, 2005	30 MoReg 433
<b>05-09</b>	Transfers the Missouri Head Injury Advisory Council to the Department of Health and Senior Services	February 2, 2005	30 MoReg 435
<b>05-10</b>	Transfers and consolidates in-home care for elderly and disabled individuals from the Department of Elementary and Secondary Education and the Department of Social Services to the Department of Health and Senior Services	February 3, 2005	30 MoReg 437
<b>05-11</b>	Rescinds Executive Order 04-22 and orders the Department of Health and Senior Services and all Missouri health care providers and others that possess influenza vaccine adopt the Center for Disease Control and Prevention, Advisory Committee for Immunization Practices expanded priority group designations as soon as possible and update the designations as necessary	February 3, 2005	30 MoReg 439
<b>05-12</b>	Designates members of staff with supervisory authority over selected state agencies	March 8, 2005	30 MoReg 607
<b>05-13</b>	Establishes the Governor's Advisory Council for Plant Biotechnology	April 26, 2005	30 MoReg 1110
<b>05-14</b>	Establishes the Missouri School Bus Safety Task Force	May 17, 2005	30 MoReg 1299
<b>05-15</b>	Establishes the Missouri Task Force on Eminent Domain	June 28, 2005	30 MoReg 1610
<b>05-16</b>	Transfers all power, duties and functions of the State Board of Mediation to the Labor and Industrial Relations Commission of Missouri	July 1, 2005	30 MoReg 1612
<b>05-17</b>	Declares a DROUGHT ALERT for the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, Ste. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne	July 5, 2005	30 MoReg 1693
<b>05-18</b>	Directs the Director of the Department of Insurance to adopt rules to protect consumer privacy while providing relevant information about insurance companies to the public	July 12, 2005	30 MoReg 1695
<b>05-19</b>	Creates the Insurance Advisory Panel to provide advice to the Director of Insurance	July 19, 2005	30 MoReg 1786
<b>05-20</b>	Establishes the Missouri Homeland Security Advisory Council. Creates the Division of Homeland Security within the Department of Public Safety. Rescinds Executive Orders 02-15 and 02-16	July 21, 2005	30 MoReg 1789
<b>05-21</b>	Creates and amends Meramec Regional Planning Commission to include Pulaski County	August 22, 2005	30 MoReg 2006
<b>05-22</b>	Establishes the State Retirement Consolidation Commission	August 26, 2005	30 MoReg 2008
<b>05-23</b>	Acknowledges regional state of emergency and temporarily waives regulatory requirements for vehicles engaged in interstate disaster relief	August 30, 2005	30 MoReg 2010
<b>05-24</b>	Implements the Emergency Mutual Assistance Compact (EMAC) with the state of Mississippi, directs SEMA to activate the EMAC plan, authorizes use of the Missouri National Guard	August 30, 2005	30 MoReg 2013
<b>05-25</b>	Implements the Emergency Mutual Assistance Compact (EMAC) with the state of Louisiana, directs SEMA to activate the EMAC plan, authorizes use of the Missouri National Guard	August 30, 2005	30 MoReg 2015
<b>05-26</b>	Declares a state of emergency in Missouri and suspends rules and regulations regarding licensing of healthcare providers while treating Hurricane Katrina evacuees	September 2, 2005	30 MoReg 2129
<b>05-27</b>	Directs all relevant state agencies to facilitate the temporary licensure of any healthcare providers accompanying and/or providing direct care to evacuees	September 2, 2005	30 MoReg 2131
<b>05-28</b>	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated, and authorizes the use of state agencies to provide support to the relocation of Hurricane Katrina disaster victims	September 4, 2005	30 MoReg 2133

<b>Executive Orders</b>	<b>Subject Matter</b>	<b>Filed Date</b>	<b>Publication</b>
<b>05-29</b>	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, <u>to protect life and property, and to support civilian authorities</u>	September 4, 2005	30 MoReg 2135
<b>05-30</b>	Governor Matt Blunt establishes the Office of Supplier and Workforce Diversity to replace the Office of Equal Opportunity. Declares policies and procedures for procuring goods and services and remedying discrimination against minority and women-owned business enterprises	September 8, 2005	30 MoReg 2137
<b>05-31</b>	Assigns the Missouri Community Service Commission to the Department of Economic Development	September 14, 2005	30 MoReg 2227
<b>05-32</b>	Grants leave to additional employees participating in disaster relief services	September 16, 2005	30 MoReg 2229
<b>05-33</b>	Directs the Department of Corrections to lead an interagency steering team for the Missouri Reentry Process (MRP)	September 21, 2005	30 MoReg 2231
<b>05-34</b>	Orders the Adjutant General to call into active service portions of the militia in response to the influx of Hurricane Rita victims	September 23, 2005	30 MoReg 2233
<b>05-35</b>	Declares a State of Emergency, directs the State Emergency Operations Plan be activated, and authorizes use of state agencies to provide support for the relocation of Hurricane Rita victims	September 23, 2005	30 MoReg 2235
<b>05-36</b>	Acknowledges regional state of emergency and temporarily waives regulatory requirements for commercial vehicles engaged in interstate disaster relief	September 23, 2005	30 MoReg 2237
<b>05-37</b>	Closes state offices on Friday, November 25, 2005	October 11, 2005	30 MoReg 2383
<b>05-38</b>	Implements the EMAC with the State of Florida in response to Hurricane Wilma	October 21, 2005	30 MoReg 2470
<b>05-39</b>	Acknowledges continuing regional state of emergency, temporarily limits regulatory requirements for commercial vehicles engaged in interstate disaster relief, and rescinds orders 05-23 and 05-36	October 25, 2005	30 MoReg 2472
<b>05-40</b>	Amends Executive Order 98-15 to increase the Missouri State Park Advisory Board from eight to nine members	October 26, 2005	30 MoReg 2475
<b>05-41</b>	Creates and establishes the Governor's Advisory Council for Veterans Affairs	November 14, 2005	30 MoReg 2552
<b>05-42</b>	Establishes the National Incident Management System (NIMS) as the standard for emergency incident management in the State of Missouri	November 14, 2005	30 MoReg 2554
<b>05-43</b>	Creates and establishes the Hispanic Business, Trade and Culture Commission and abolishes the Missouri Governor's Commission on Hispanic Affairs	November 30, 2005	31 MoReg 93
<b>05-44</b>	Declares a state of emergency and activates the Missouri State Emergency Operations Plan as a result of the failure of the dam at Taum Sauk Reservoir	December 14, 2005	31 MoReg 96
<b>05-45</b>	Directs the Adjutant General to activate the organized militia as needed as a result of the failure of the dam at Taum Sauk Reservoir	December 14, 2005	31 MoReg 97
<b>05-46</b>	Creates and establishes the Missouri Energy Task Force	December 27, 2005	31 MoReg 206
<b>05-47</b>	Directs that the issuance of overdimension and overweight permits by the Missouri Department of Transportation for commercial motor carriers engaged in cleanup efforts in Reynolds County resulting from the Taum Sauk Upper Reservoir failure shall be subject to interim application requirements	December 29, 2005	31 MoReg 279

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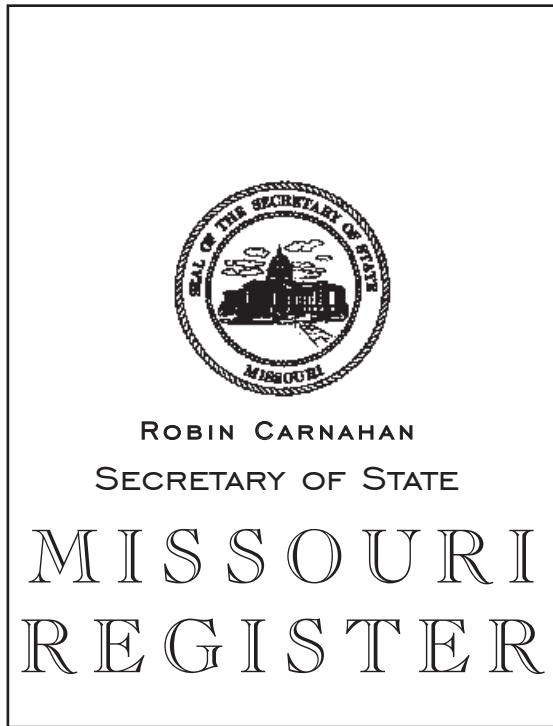
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